332.

SUPREME COURT OF THE UNITED STATES.

No 77.

WILLIAM K. SMITH, APPELLANT,

VERSUS

GUY RICHARDS.

ON APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

INDEX.

	Original.	*Print.*
Clerk's certificate	1	3
Subpœna in chancery	2	3
Writ of ne exeat, and injunction	2	4
Order to remove cause to the circuit court	6	5
Bond	6	5
Bill of complaint	8	6
Answer of defendant	38	20
Notice to complainant	101	48
Motion to dismiss writs of ne exeat, &c. granted	102	49
Replication of complainant	102	49
Proceedings before commissioners to take testimony, &c.		50
Examination of Francis J. Wiatt	104	51
Agreement to submit case to arbitrament of commissioners	107	57
Proceedings before arbitrators		58
Deposition of John Hitz, jr.	107	59
" John Hitz, sen.	109	63
" John Hitz, jr. continued	111	66
" David Trego	115	75
Cross examination of David Trego	121	88
Deposition of George R. Lewis	122	91
Cross examination of ditto	122	92
Deposition of John W. Payne	123	92
" John G. Davis	123	94
Cross examination of ditto	128	104
Deposition of John M. Willis	130	110
Cross examination of ditto	132	114
Deposition of Buford Kirtley	133	116
" William Beazley	136	121
Cross examination of ditto	139	127
Deposition of Najah Taylor	141	132
" Nathaniel Richards	143	137
List of letters from Smith to Richards, read before arbitrators by plaintiff's counsel	148	146

Deposition of Melville N. Walton - - -		149	148
" Benjamin H. Smith - - -		150	150
" Francis J. Wiatt - - - -		151	152
" Joseph Hodgson - - -		154	159
" George Fisher, sen. - - -		156	162
" Drury W. K. Bowles - - -		161	173
List of letters from Richards to Smith, produced and read by defendant's counsel - - - -		162	176
Deposition of John M. Willis - - - -		164	173
Articles of agreement between D. Trego and N. Richards -		166	182
Letter from W. K. Smith to D. Trego, - marked	G	166	182
D. Trego's certificate to W. K. Smith, - "	H	166	183
Letter from W. K. Smith to D. Trego, - "	I	167	184
" D. S. Trego to W. K. Smith - "	K	167	185
" W. K. Smith to D. Trego - "	L	168	186
Explanation of diagram - - "	P	168	187
Memorandum of 2d examination of the Goochland mine "	Q	169	188
Notes used in the examination of J. G. Davis "	R	170	190
Original notes of W. Beazley - - "	V	171	191
Document submitted by Barton and Berry "	W	171	192
" " Botts and Marye - "	X	172	193
Motion to reconsider, and other papers, Y, Z, AA, and BB		172, 3	193—195
Motion to continue - - - "	CC	174	196
Paper - - - - "	DD	174	197
Letter from W. K. Smith to N. Richards - "	EE	174	198
Private letter from W. K. Smith to Richards "	FF	175	199
Letter from N. Richards to W. K. Smith - "	GG	176	201
Copies of letters from N. Richards to W. K. Smith, HH, (No. 1.) HH, (No. 2.) HH, (No. 3.) HH, (No. 4) -		177	202—207
Letter from D. Trego to Wellford et al - "	II	180	209
Copy of the arbitration agreement - "	KK	180	210
Letters from Smith to Richards - marked	LL, &c.	181—210	211—268
" Richards to Smith - "	M 4, &c.	210—243	268—332
" Smith to Bingham - "	Y 5 [illegible] 5	244	332, 333
" " Richards - "	A 6, B 6	245	334—336
" " " - "	C 6	246	337
Affidavit of G. U. Richards - "	D 6	246	337
" F. H. Wolcott - "	E 6	247	339
Deposition of Francis J. Wyatt - -		247	340
Decree of court - - - -		251	345
Petition for appeal to Supreme Court United States		253	346
Appeal prayed - - - - -		257	348

UNITED STATES OF AMERICA, }
Southern District of New York. } *ss.*

I, Frederic J. Betts, clerk of the circuit court of the United States of America, for the southern district of New York, [SEAL.] second circuit, do hereby certify, that the writings annexed to this certificate are true copies of their respective originals, on file, and remaining of record in my office.

In testimony whereof, I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, second circuit, this sixth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the said United States, the sixty-second.

FRED. J. BETTS,
Clerk.

At a stated term of the circuit court of the United States of America, for the southern district of New York, in the second circuit, held at the City Hall, in the city of New York, in and for the said district, on the twenty-second day of April, in the year of our Lord one thousand eight hundred and thirty-seven.

Present: The honorable Smith Thompson, an associate justice of the Supreme Court of the United States, and the honorable Samuel R. Betts.

GUY RICHARDS
vs.
WILLIAM K. SMITH.

The People of the State of New York, to William K. Smith, greeting:

We command you, that you personally appear before our vice chancellor, of the first circuit, in our court of chancery, on the twenty-eighth day of October, instant, wheresoever the said court shall then be, to answer to a bill of complaint, exhibited against you in our said court, by Guy Richards, and to do further and receive what our said court shall have considered in that behalf; and this you are not to omit, under the penalty of two hundred and fifty dollars.

Witness, Reuben H. Walworth, chancellor of our said State, at the city of New York, the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and thirty-three.

(Signed) JOHN WALWORTH,
Clerk.

"Copy"
DAVID P. HALL,
Solicitor.

The People of the state of New-York, to the Sheriff of the city and county of New-York, greeting:

Whereas it is represented to us, in our court of chancery, before our vice chancellor of the first circuit, on the part of Guy Richards, complainant, that William K. Smith, defendant, is greatly indebted unto the said complainant, and is about to depart this State, as has been satisfactorily proved to us, which tends much to the prejudice and injury, of the said complainant, therefore, in order to prevent such injustice, we command you, that you forthwith take the said defendant, and him safely keep, until he give you security in the sum of six thousand dollars, that he will not depart this State or go beyond the jurisdiction thereof, without leave of our said court; and if he shall refuse or neglect to give such security, that you commit him to our prison, in your county, there to remain until he be duly discharged therefrom, and that you make and return a certificate, under your hand, of your doings in the premises, to our said vice chancellor, in our court of chancery, wheresoever the same may then be, together with this writ.

Witness, Reuben H. Walworth, chancellor of our said State, at the City-Hall of the city of New-York, the twenty-fourth day of October, one thousand eight hundred and thirty-three.

(Signed) JOHN WALWORTH,
Clerk.

DAVID P. HALL,
Solicitor.

The People of the state of New York, to William K. Smith, and to his counsellors, attorneys, solicitors, and agents, and each and every of them, greeting: Whereas it has been represented to us, in our court of chancery, on the part of Guy Richards, complainant, that he hath lately exhibited his bill of complaint in our said court of chancery, before our vice chancellor of the first circuit, against you, the said William K. Smith, to be relieved touching the matters therein complained of; in which bill, it is stated, amongst other things, that you are combining and confederating with others, to injure the said complainant, touching the matters set forth in the said bill, and that your actings and doings in the premises are contrary to equity and good conscience: We, therefore, in consideration thereof, and

of the particular matters in the said bill set forth, do strictly command you, the said William K. Smith, and the persons before mentioned, and each and every of you, under the penalty of ten thousand dollars, to be levied on your lands, goods, and chattels, to our use, that you do absolutely desist and refrain from selling, aliening, transferring, negotiating, assigning, pledging, or in any wise parting with or disposing of three certain promissory notes, or either of them, that is to say, three promissory notes bearing date at New York, the first day of July, 1833, drawn by said Richards, in favor of the said William K. Smith, for the sum of fourteen hundred and six dollars and twenty-five cents each, one payable in four months from the date thereof, one in six months from the date thereof, and one in nine months from the date thereof, until the further order of our said court of chancery, in the premises.

Witness Reuben H. Walworth, Esquire, chancellor of our said State, at the city of New-York, the twenty-fourth day of October, one thousand eight hundred and thirty-three.

(Signed) JOHN WALWORTH,
Clerk.

DAVID P. HALL,
Solicitor.

At a court of chancery, held for the State of New York, at the city of New York, on the thirtieth day of October, one thousand eight hundred and thirty-three.

Present: William T. McCoun, vice chancellor of the first circuit.

GUY RICHARDS,
vs.
WILLIAM K. SMITH.

On reading and filing the consent of D. P. Hall, Esquire, solicitor for the complainant above named; and on motion of Hugh Maxwell, Esquire, solicitor for the defendant, it is ordered, that this cause be transferred and removed to the circuit court of the United States for the southern district of the State of New-York, the said defendant having filed the security required by law in such cases.

Copy. JOHN WALWORTH,
Clerk.

Know all men, by these presents, that we, William K. Smith, of the State of Virginia, gentleman, and Joseph Howard, of the city and county of New York, merchant, are held and firmly bound unto Guy Richards, of the city of New York, in the sum of six thousand dollars, for the payment of which sum, to be well and truly made, we do bind ourselves, jointly and severally, and one and each of our heirs, executors and administrators, firmly, by these presents. Sealed with our seals, and dated this twenty-eighth day of November, in the year one thousand eight hundred and thirty-three.

The condition of this obligation is such, that whereas, a suit hath been commenced against the said William K. Smith, by the said Guy Richards, a citizen of the State of New York, in the court of chancery of the State of New York, before the vice chancellor of the first circuit; and whereas, the said William K. Smith has been arrested by the sheriff of the city and county of New York, by virtue of process of ne exeat, issued in the said suit out of the said court, and whereas, the said William K. Smith hath given security in the said suit, in the sum of six thousand dollars, that he will not depart the State of New York, or go beyond the jurisdiction thereof, without leave of the said court, and whereas, the said William K. Smith, being a citizen of the State of Virginia, at the commencement of the said suit, and the said Guy Richards being a citizen of the State of New York, at the time of the commencement of the said suit; and the matter in dispute, in the said suit, exceeding the sum of five hundred dollars, exclusive of costs, the said William K. Smith, by an application in due form of law, made to the said court of chancery removed the said suit into the circuit court of the United States, for the southern district of New-York, in the second circuit, at the present October term of the *the* said last mentioned court, pursuant to the act of Congress in such cases provided: Now if the said William K. Smith shall not depart this State, or go beyond the jurisdiction thereof, without leave of the circuit court of the United States for the sourhern district of New York, then this obligation to be void, otherwise to remain in full force and virtue.

W. K. SMITH.
JOSEPH HOWARD.

Sealed and delivered in presence of
JNO. I. HOWARD.

IN CHANCERY,
Before the Vice Chancellor:

To the Chancellor of the State of New York, humbly complaining, showeth unto your honor, your orator Guy Richards, of the city and county and State of New York, that in the months of June and July last, and before and subsequently to those periods, one William K. Smith, who, during the times above referred to, resided at a place called Orange mine, in the county of Orange, in the State of Virginia, and was, during the same period, the known acting and acknowledged agent of a certain company, duly incorporated by an act of the Legislature of the State of Virginia, according to the law of that State, for the purpose of mining, and known as the Virginia Mining Company, represented to your orator, both orally and by means of letters addressed by him, the said Smith, to Nathaniel Richards and Charles H. Richards, both of the city of New York, and brothers, to your orator; and which said letters the said Nathaniel and Charles H. were directed or desired by the said Smith to exhibit, read and show unto your orator and other persons, for the purpose of inducing him and them to make the purchases hereinafter mentioned

and described, and which said letters were accordingly, during the period aforesaid, that is to say, during the months of June and July, in the year one thousand eight hundred and thirty-three, shown, read and exhibited unto your orator by the said Nathaniel and Charles H. Richards, that he, the said William K. Smith, had some deep and extensive interest in, and was the proprietor of, one-sixth part of a certain gold mine, which he, the said Smith, designated as the Goochland mine, and described as situated in 'Goochland county, near the Flewanna line,' in the State of Virginia aforesaid.

And your orator further showeth to your honor, that the said Smith further represented unto your orator, by the means and in the manner aforesaid, that the tract of land in which said gold mine was situated consisted of four hundred and fifty-six acres, and that he was also the owner and proprietor of one-third of a tract of one hundred acres, adjoining the four hundred and fifty-six acres aforesaid, and that he was desirous of selling the same,* or his interest in said gold mine, or some part thereof, to your orator, and such others as might think well of the purchase, in certain shares or portions, or in such other way as might be agreed upon among the parties to said purchase. And for the purpose of accomplishing the object aforesaid, and in order to sell and dispose of his, the said Smith's interest in said gold mine, or some part thereof, at an inordinate price, and for the purpose of fraudulently exaggerating its value, in order that persons who should hear or become possessed of his, the said Smith's inflated representations and false descriptions of said gold mine, might be seduced into a purchase of the same, or the said Smith's interest therein or some part thereof, the said William K. Smith, on the twenty-first day of January in the year one thousand eight hundred and thirty-three, wrote and addressed a letter to the said Nathaniel Richards in the words and figures, or to the effect following, that is to say:

ORANGE MINES, January 21st, 1833.

Nathaniel Richards, Esq:

DEAR SIR: Agreeable to my promise, I will now endeavor to give you an account and my view of the Goochland mine, which is situated in Goochland county, near the Flewanna line. The tract, by a recent survey, contains 456 acres, and there is upwards of 4000 feet on the course of the vein, as will be seen by referring to the plat. The mine is situated 13 miles from Columbia; 23 miles from Goochland court house; 50 miles from Richmond; about the same distance from Fredericksburgh and 40 miles from the Orange mines. There is water carriage from Richmond to within 12 miles of the mine. The premises are well covered with oak and pine timber. Potter's creek, and a small branch of water, passes through the premises. On the former there was formerly a saw mill. For the conditions under which this mine is held, I would refer you to the deed of sale, &c. The veins in which the gold is found run, or their course is, N.E. and S.W., varying N.N.E. and S.S.W., or running nearly parallel with the Blue Ridge mountains. The gold ore is found in the talco and rich

colored mica states, quite soft or decomposed. There has been upwards of one hundred feet of the vein developed, which proves to be very rich indeed—much richer than any thing yet discovered in the United States, and the quality of the gold surpasses any hereunto discovered in any country. By assay, it proves to be $23\frac{2}{3}\frac{1}{3}$ carats fine. The location is very favorable for mining operations, and the surface is rich in gold. As far as the mine has been developed it presents the most flattering prospects, as the formation in which the ore is found is quite wide. A distance (in one place of 12 feet) has been cut, and the veins are disseminated throughout the whole formation in threads of from 2 to 6 inches wide, and in many have several concentrated together. At another point it has been found to be several feet wider, and from what has already been developed, I cannot but think it of great value, and much easier worked than any other mine I have visited, and the ore will require but little power to reduce it.

In order to further develope this mine and the establishment into full operation, it will require a capital of from 18,000 to 20,000 at the farthest, which would include the cost of cabins for workmen, engine of 12 horse power, whims and 6 stamp heads, &c. which, should the ore continue as rich as it is at present, would be sufficient power to reduce ore enough to yield a very large per centum, on a large capital—for there is ore from this mine that will, without doubt, give several hundred dwt. of gold to the 100 lbs. The pumping, or engine, for raising water could be so located, and would be of sufficient power to raise the water and to carry 6 stamp heads for the first year or eighteen months, when a second engine would be wanted, the power of which could at that time be better ascertained. The number of hands to be employed about the mine would entirely depend upon the scale on which the mine was to be carried on, and the quantity of ore you wished to raise. After the shafts were sunk, say three in number, a very few hands would be able to raise sufficient ore to yield a great profit. Should the veins continue as they now appear, and should they improve, the results must be most splended.

I think the Goochland mine could be got into full operation in the course of 6 or 8 months from the commencement, should the work be done with energy, and very favorable results might be expected. The location, formation, and the many other advantages that this place has over most other mines, are such as to induce me to think that it can be got into operation in a much shorter time than is usually required. There is several saw and grist mills within from 3 to 5 miles of the mines. I herewith send you the plat as copied from the original survey, &c.

Yours truly,

(Signed) W. K. SMITH.

And your orator further showeth unto your honor, that the said letter, so as aforesaid written and addressed by the said William K. Smith to the said Nathaniel Richards, was duly received by him a few days after its date; and afterwards, to wit, in the month of June, in the year one thousand eight hundred and thirty-three, the said letter was,

at the request and by the express desire of the said Smith, and by his direction, read by the said Nathaniel Richards to your orator, and other persons, with a view, on the part of the said Smith, of inducing your orator, and other persons, to purchase, at a high and inordinate price, his, the said Smith's interest in the said Goochland mine, or some part thereof.

And your orator further showeth unto your honor, that the said Smith, the further to deceive and defraud your orator, and such others as might read his letters, and induce your orator to believe that the said Goochland mine was rich in gold, and in order to induce your orator to become a purchaser, at an exorbitant price, of his, the said Smith's interest therein, or some part thereof, forwarded certain specimens or washings of gold ore, which he alleged were taken from the said Goochland gold mine, to the said Nathaniel Richards, with directions that the same should be exhibited by him to your orator, and which said specimens or washings the said Nathaniel Richards, in or about the month of June last aforesaid, in pursuance of said directions, and, confiding, as your orator is informed and believes, in the representations of the said Smith and trusting that they were true, did exhibit to your orator, and to other persons, as specimens of the said Goochland mine and its productions of gold. And your orator further saith, that the said specimens or washings were exceedingly rich in particles of gold, and gave every indication that the mine from which they were taken, if the said specimens were proper and fair samples of such mine, must be very abundant in gold, and of great intrinsic value.

And your orator further showeth unto your honor, that the said Smith, the further to deceive and defraud your orator and others, who might read the letters hereinafter referred to, and the further to induce your orator and others to believe that the said Goochland mine was very rich in gold, and of great value, for the purpose of inducing your orator to become a purchaser of his, the said Smith's interest therein, or some part thereof, at a high and inordinate price, in the month of June aforesaid, wrote and and addressed several letters to the said Charles H. Richards, and not less than six in number, all of which were duly received by him, within a short time after their respective dates; and in which he, the said Smith, described the said Goochland mine in the most glowing terms, representing it as one of the richest mines, if not the very richest mine, in Virginia or in the United States. And the said William K. Smith, the further to deceive and delude your orator, and others, and induce him and them to become purchasers of his, the said Smith's, interest in said Goochland mine, or some part thereof, and thus defraud your orator, and other persons, of the money which he and they might pay for such purchase, in his said letters to the said Charles H. Richards, represented the said Goochland gold mine as of very great value, as the richest mine within his knowledge, and that his, the said Smith's, interest therein, that is to say, one-sixth part thereof, was worth not less than fifty thousand dollars, and would be a great bargain to any person who would purchase the same, or any part thereof, at that rate. And your orator further

showeth unto your honor, that all the letters last aforesaid, from the said Smith to the said Charles H. Richards were, by the desire of the said Smith, shown and exhibited by the said Charles H. Richards to your orator, and other persons, in the month of June last, with a view, on the part of the said Smith, to induce your orator to believe that the said Goochland gold mine was, in truth and reality, what the said Smith represented it to be, of great and almost incalculable value; and for the purpose of alluring your orator into a purchase of his, the said Smith's interest in said mine, or some part thereof, at a most exorbitant and disproportionate price, and thus defraud your orator out of all the money he might pay and advance on account of such purchase.

And your orator further showeth unto your honor, that the said Smith, during all the periods, before referred to, and for a long space of time anterior thereto, had given out and represented to you orator, and to other persons, that he was well skilled in the business of mining, having been employed in that business in South America; that he understood the directions of veins in a mine, and the cost and expense of extracting gold from the foreign materials by which it is surrounded, and in which gold is most usually found. And your orator further showeth unto your honor, that the said Virginia mining company, relying upon the fitness of the said Smith, for the business aforesaid, and his skill in the principles and process of mining, during all the period h reinbefore referred to, employed the said Smith, as their agent, to superintend their mining operations in the State of Virginia; and during the whole time of the aforesaid negotiations and representations concerning the said Goochland mine, the said Smith was the agent of the said Virginia mining company, and resided, for the most part, at the said place in Virginia, called the Orange mine, although he was frequently exploring various parts of said State in search of gold mines, or of places where he asserted gold mines to be, and where that precious metal might in abundance be found, especially the said county of Goochland.

And your orator further showeth unto your honor, that he never was at the said Goochland gold mine, and never saw or visited the same, nor employed any agent to examine it, nor did he ever visit the tract of land in which the said Goochland mine was represented by the said Smith to be situated; but your orator at that time, that is to say, in the months of June and July last, believing the said Smith to be a man of strict honor, honesty, truth, and veracity, reposedthe most implicit faith in his aforesaid declarations, with regard to the said gold mine, and relied exelusively upon the said Smith's representations, especially his aforesaid letter to the said Nathaniel Richards, and his said several letters, to the said Charles H. Richards, as containing accurate, fair, and correct descriptions of the said Goochland mine.

And your orator fureher showeth unto your honor, that, deluded by the aforesaid representations of the said Smith, in respect to the said gold mine, and believing it to be of great intrinsic value, your orator was, on or about the first day of July last, induced by the said Smith, to become a purchaser of one-eighth part of his the, said Smith's

interest in the said Goochland gold mine; that is to say, of one-eighth part of one-sixth of the said mine, at the price of five thousand six hundred and twenty-five dollars, being at and after the rate of 45,000 dollars for the said Smith's interest in the said Goochland mine, to wit, one-sixth part of the entire mine, and accordingly your orator, on or about the first day of July last past, agreed to purchase and did purchase of *of* the said Smith, one-eighth part of his aforesaid interest in the said pretended gold mine, at and after the rate last aforesaid. And your orator further showeth unto your honor, that by the terms of the said purchase, your orator was to pay the said Smith one-fourth part of said sum of five thousand six hundred and twenty-five dollars in cash, at the time of the completion of the purchase or bargain aforesaid; one-fourth part in four months from that time, one-fourth part in six months, and one-fourth part in nine months from the period last aforesaid.

And your orator further showeth unto your honor, that in pursuance of said agreement, and for the purpose of fulfilling it honorably on his part, on or about the first day of July last past, paid to the said Smith, through Nathaniel Richards, his, the said Smith's agent, in this behalf, the said sum of one thousand four hundred and six dollars and twenty-five cents, in cash, and at the same time executed and delivered to him, through his said agent, Nathaniel Richards, (for that purpose duly and specially appointed by the said Smith, to receive said cash and notes,) your orator's three several promissory notes, in favor of the said William K. Smith, and payable to his order, for the sum of one thousand four hundred and six dollars, and twenty-five cents, each bearing date the first day of July, in the year 1833; one of which was, and is payable in four months from its date; the second in six months from its date, and the third and last in nine months from its date.

And your orator further showeth unto your honor, that he did not receive a deed or direct conveyance from the said Smith, for your orator's one-eighth part of the said Smith's interest in the said gold mine, because, by an arrangement between your orator the said Smith, and other purchasers of parts of his, the said Smith's interest in the said gold mine, the title to the said gold mine was to be, and as your orator, believes actually was vested in the said Nathaniel Richards, who had been induced by the said Smith, by the same means employed to delude your orator and others, as your orator is informed, and believes, to purchase more than two-thirds of the said gold mine, on his own account. And your orator further showeth unto your honors, that the said Smith by the same means and arts which were used as aforesaid, to delude your orator, induced various other persons to become purchasers of parts of his, the said Smith's interest in the said gold mine, at the same time, and upon the same terms with your orator's purchase, whereby the said Smith sold out seven-eighths of his interest in the said gold mine, for no less a sum than thirty-nine thousand three hundred and seventy-five dollars.

And your orator further showeth unto your honor, that instead of a deed, or other instrument in the nature of a deed, for his interest

in the said gold mine, so as aforesaid purchased by your orator of the said Smith, your orator by the terms of his said agreement with the said Smith, was to receive, and on or about the fourth day of July last, did receive from the said Nathaniel Richards a receipt or instrument in writing in the nature of a receipt, which was to indicate the extent of your orator's interest in the said gold mine, and stand in the place of a deed, which said receipt or instrument in writing was, and is, the words and figures following, that is to say:

Received, New York, July 4th, 1833, of Mr. Guy Richards, (on account of Mr. Wm. K. Smith, of Virginia) fourteen hundred and six 25-100 dollars in cash; and also three several notes of hand, signed by said Richards and payable to said Smith; one of them at four, one at six, and one at nine months from the first inst. each note for fourteen hundred and six 25-100 dollars, amounting in all, to $5,625, in full, for one-eighth part of one-sixth of four hundred and fifty-sixty acres of land, and of one hundred acres purchased of David Moss, the deeds bearing date 17th May, 1833; both parcels lying in the county of Goochland, and State of Virginia, and called the Goochland mine. All which receipts entitle the said Richards to the above mentioned one-eighth portion of one-sixth part of said property, the title to all of which is in myself, but the one-sixth part belonged to said Smith at the time of the above sale to said Richards.

It is hereby expressly understood and agreed to by the said Guy Richards, that he is to contribute his full proportion of any expenses already incurred, or which may be incurred hereafter on the said premises, in searching for or developing any mine or mines, in the erection of buildings, the purchase of machinery, and any other expenses for the above general object which I may deem necessary.

(Signed) NAT. RICHARDS.

As by the said receipt, now in possession of your orator, and ready to be produced in court whenever ordered, will more fully and at large appear.

And your orator further showeth unto your honor, that the said Nathaniel Richards hath, as your orator is informed and believes, and therefore avers, since the said fourth day of July last, paid over the said sum of 1406 dollars and twenty-five cents cash, to the said William K. Smith, or in some way satisfactorily accounted with him therefor; and the said Nathaniel hath also, as your orator is informed and believes, and therefore charges, also delivered over to the said Smith, or to some person duly appointed by him to receive the same, the said three promissory notes, specified in the foregoing receipt and the same now are, as your orator charges, in the hands or under the control of the said Smith, or in the hands of one Joseph Howard, an agent of the said Smith, or in the hands of some other agent or agents for him, unless the same or some of them have been negotiated by the said Smith, or his agent or agents.

And your orator further showeth unto your honor, that he hath recently, and since the purchase aforesaid, and since the payment of said money, and the giving of his said promissory notes, discovered to his surprise and mortification, that all, or the principle part, of the said Smith's representations and declarations, especially those contained

in the aforesaid letters in relation to the said Goochland mine, were and are false, fraudulent, and deceptive, made, as your orator believes, and therefore charges, for the express purpose of deluding and deceiving your orator, and other persons, and inducing him and them upon the false, fraudulent, and deceptive representations of the said Smith, to become purchrsers of the interest of the said Smith in the said gold mine, or some part thereof, at an exorbitant and unconscionable price. for the express purpose of cheating and defrauding your orator, and such others as might be induced by the aforesaid false, fraudulent, and deceptive representations, to become purchasers of the said Smith's interest in the said gold mine out of such sums as he and they might be induced to pay for the same.

And your orator further showeth unto your honor, that he hath discovered, as he thinks, and therefore avers, and amongst other means, by the confessions of the said Smith himself, made since the aforesaid purchase and payments of your orator, and he so charges the fact to be, that there are not and never have been, any veins of gold whatever in the said Goochland mine, and that the same was well known to the said Smith, at the times when he wrote the letters and made the representation aforesaid, and that neither one hundred nor any other number of feet on a vein in said mine, was or were at the time of the date of the aforesaid letter from the said Smith to the said Nathaniel Richards, or at any other time, opened or developed.

And your orator further showeth unto your honor, that so far from their being rich veins of gold in the said mine, as the said Smith in the said last mentioned letter asserted that there were, cuts and searches have recently and since the aforesaid purchase and payments, been made on the said mine in various directions, and no veins of gold whatever can be discovered, and the purchasers of the said mine and of the said Smith's interest therein, including your orator, have been compelled, after many searches, sinking shafts, making cuts and experiments, and after expending a great deal of money in the enterprise, to abandon the search after gold in said mine, to dismiss their workmen, and give up said project of mining altogether.

And your orator further showeth unto your honor, that he believes that there are and were at the time of the said Smith's representations aforesaid, in relation to the said mine, fine particles of gold to be found on the premises, included within the boundaries of the said Goochland mine. But your orator avers, that such particles are and were so minute, so few, and so mixed up, with sand and other foreign substances, that the cost of extracting the gold from said materials far exceeds the value of the gold when extracted, and that the four hundred and fifty-six acres, and the one hundred acres of land specified in the said receipt of the said Nathaniel Richards, are utterly worthless as a gold mine, and your orator's interest therein is of no value whatever.

And your orator further showeth unto your honor, that the specimens of washings of the said gold mine, so as aforesaid exhibited to your orator, and others, by the order and direction of the said William K. Smith, as fair specimens and samples of said pretended

gold mine, are not, and were not at the time, the same were forwarded to the said Nathaniel Richards, by the said Smith, fair samples—a specimens of said mine; and your orator avers that said specimens or washings were exceedingly rich, abounding in particles of gold, indicating that the place from whence said samples were taken also abounded with gold; whereas, your orator charges the fact to be, that no specimens, like those exhibited to your orator as aforesaid, can be found upon the premises aforesaid; namely, the said Goochland mine; on the contrary, your orator believes, and therefore avers, that said specimens were not taken from the said Goochland premises, or if taken from there were the only specimens of the same kind that ever were on said premises, and that the said Smith well knew that said specimens were not fair samples of the said Goochland mine, and caused the same to be exhibited to your orator, and others, as fair specimens and samples of the said mine, for the express purpose of defrauding your orator, and others, out of their money, by inducing your orator, and others, to become purchasers of shares of said Smith's interest in said mine, upon the faith of said specimens, as well as said false, fraudulent, and deceptive representations.

And your orator further showeth unto your honor, that the said Goochland premises do not contain veins of gold, nor any considerable deposites of gold, neither are the same rich in gold, or of any value whatever for any purpose of mining, either for gold or any other metal.

And your orator believes, and therefore charges, that the said Smith well knew at the time of his aforesaid representations, and at the time of your orator's aforesaid purchase and payments, the true nature of the said Goochland premises, and that the same were utterly worthless for the purpose of mining for gold. And your orator further believes, and therefore charges, that the said Smith's representations, declarations, and letters, were and are false and deceptive, and made for the express purpose of defrauding your orator, and other persons, out of his and their money, by inducing them to become purchasers of a worthless tract of land, as and for a gold mine of great and intrinsic value.

And your orator further showeth unto your honor, that the said William K. Smith is now in the city of New York, and under the jurisdiction of this court, but the said Smith is not a resident of this State, and is within said jurisdiction but for a temporary purpose; and your orator is informed, and believes, and therefore charges, that the said William K. Smith is about to depart from the State of New York, either to return to the State of Virginia or go to other parts unknown to your orator, and beyond the jurisdiction of this court, and there permanently to remain; and your orator believes and therefore charges, that the said Smith will thus depart and remain, unless prevented by the writ of ne exeat, to be issued out of this court.

And your orator further showeth unto your honor, that he hath in a friendly manner applied to the said Smith, and requested him to cancel and annul the aforesaid purchase and agreement, pay back to your orator the money received of him on account of said purchase,

deliver up to your orator his three promissory notes, and receive back from him a reconveyance or surrender of all your orator's right, title, and interest in and to said Goochland mine, so that your orator and said Smith might stand upon the same ground, in relation to each other, which they occupied before said agreement, and before your orator's purchase of a part of the said Smith's interest in said Goochland mine.

But now, so it is, may it please the chancellor, that the said William K. Smith, combining and confederating with divers persons, at present unknown to your orator, whose names, when discovered, your orator prays may be inserted herein, and they made parties hereto, with proper and apt words to charge them, and contriving how to injure and oppress your orator in the premises, refuses to pay back to your orator his said purchase money, or any part thereof, and refused to surrender up to your orator his said promissory notes, or any of them, and refused to receive from your orator a quit claim, or reconveyance of his aforesaid interest in the said Goochland mine, so as aforesaid purchased by your orator of the said Smith; and the said Smith, with his confederates, further combining to injure and oppress your orator in the premises, sometimes pretends that he hath made no unfair representations whatever, in relation to the said pretended Goochland mine, and that your orator purchased his said interest therein with a full knowledge of all the facts of the case, and upon his own responsibility; whereas, your orator expressly charges that he had at the time of said purchase, never seen or explored said premises, and had no knowledge or information whatever in relation to said premises, except such as he derived from the aforesaid declarations, representations, and letters of the said Smith, and the said specimens or washings furnished by him to the said Nathaniel Richards as aforesaid; and your orator purchased his said interest, in the said Goochland mine, solely upon the faith of the aforesaid representations, declarations, and letters of the said Smith, fully believing the same to be true, and that they might be relied on implicitly.

And sometimes the said Smith, with the said confederates, further contriving to injure and oppress your orator in the premises, gives out and pretends that he was himself deceived in relation to said premises, and fully believed at the time he made said representations and declarations, that the same were true in all particulars, and that the said premises were rich in veins and particles of gold, and of great value as a gold mine; whereas, your orator charges expressly that the said Smith could not have been, and ought not to have been deceived in relation to said premises, having given out and pretended to your orator, that he had a competent knowledge of mining regions, and that he was well skilled in the business of mining, especially for gold; whereby your orator was induced to rely upon such pretended knowledge and skill of the said Smith, and make the purchase aforesaid, without any examination of the said premises, by his confidence in the skill and knowledge of the said Smith as a miner, as well as his declarations and representations aforesaid; and your orator further expressly charges, that the said Smith was not in fact deceived, in

relation to the said premises, at the time of the sale thereof to your orator, and anterior thereto, but was well aware that the said premises were of no value as a gold mine, and intended to defraud your orator in the purchase thereof, by the means, acts, declarations and pretences aforesaid.

And sometimes the said Smith, with the said confederates, further contriving to injure and oppress your orator in the premises, further gives out and pretends that your orator made his purchase aforesaid, as a speculation, at his own hazard, and without any reference to his, the said Smith's declarations and representations; whereas, your orator expressly charges, that he never should have made the said purchase but for the extreme pains taken by the said Smith, to induce your orator to believe that the said Goochland premises were of great intrinsic value as a gold mine, and his perfect reliance upon the good faith and integrity of the said Smith, and the truth of his aforesaid declarations and representations.

And sometimes the said Smith, with the said other confederates, further contriving to injure and oppress your orator in the premises, gives out and pretends that the said premises are valuable as a gold mine, and contain veins and with particles of gold, and are of great intrinsic worth; whereas, your orator expressly charges that, the said premises are of no value as a gold mine, containing neither veins or any considerable particles of gold, and are wholly worthless as a mine, and of no value to your orator whatever.

All which actings, doings, and pretences are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orator in the premises. In tender consideration whereof, and forasmuch as your orator is remediless in the premises, at and by the direct and strict rules of the common law, and cannot have adequate relief, save in a court of equity, where matters of this and the like nature are properly cognizable and relievable.

To the end, therefore, that the said William K. Smith, and the rest of the confederates when discovered, may upon their several and respective corporal oaths, full, true, direct, and perfect answer make, all and singular, the matters hereinbefore stated and charged, as fully and particularly as if the same were hereinafter repeated, and they thereto distinctly interrogated; and that not only as to the best of their respective knowledge and remembrance, but also as to the best of their several and respective information, hearsay, and belief; and more especially that they may answer and set forth, whether the said William K. Smith did not write and address the letter, hereinbefore set forth, to the said Nathaniel Richards, bearing date the twenty-first day of January, in the year 1833, and whether the same was not received by him, and whether the said William K. Smith did not write and address the said letters, hereinbefore described, to the said Charles Richards, containing exaggerated descriptions of the said Goochland gold mine, and whether the same were not received by him, and whether the said Smith did not request and desire that the said letters might be shown and exhibited by the said Nathaniel and Charles H. Richards, to your orator, and other persons, for the pur-

pose of inducing your orator, and the said other persons, to become purchasers of the said Smith's interest in the said Goochland mine; and whether the said letters were not accordingly shown to your orator, and other persons, by the said Nathaniel and Charles H. Richards, at the request and by the direction of the said Smith, for the purpose of inducing your orator, and other persons, to become purchasers of the said Smith's interest in the said Goochland mine? and whether the said Smith did not also forward to the said Nathaniel Richards, certain specimens or washings of the ore of gold, purporting to have been taken from the said Goochland mine, with directions that the same should be exhibited by the said Nathaniel Richards, to your orator, and other persons, for the purpose of inducing your orator, and such other persons, as might see the same, to believe that the said Goochland mine was rich in the ore of gold, with a further view of inducing your orator, and such other persons as might see said specimens or washings, to become purchasers of the said Smith *interest*, in the said Goochland mine, at an enhanced, exorbitant, and unconscionable price? and whether the said Smith did not represent himself to your orator, and others, as well skilled in the business of mining and competent to direct, manage and carry on the business and operations of mining, and whether he, the said Smith, did not not represent to your orator, and other persons, that the said Goochland mine was exceedingly valuable, and one of the most promising mines in Virginia, or the United States? and whether he did not in various ways, and by favorable representations, relative to the prospects and value of the said Goochland mine, endeavor to induce your orator, and other persons, to become purchasers of his, the said Smith interest, herein, or some part thereof? and whether the said Smith did not make the contract, herein before set forth, for the purchase by your orator, of one-eighth part of his, the said Smith's interest in the said Goochland mine, on or about the first day of July last, for the said sum or price of 5,626 dollars, payable one-fourth in cash, one-fourth in four months, one-fourth in six months, and one-fourth in nine months, from the said first day of July? and whether the said Smith has not received from your orator, through the said Nathaniel Richards, the said sum of 1,406 dollars and twenty-five cents in cash, and the three promissory notes of your orator, hereinbefore set forth and described, in the aforesaid receipt, from the said Nathaniel Richards to your orator, and whether he hath not now the said momissory notes under his charge, or in his possession? and whether the said Smith hath not himself been making searches for veins and deposites of gold in said Goochland mine, both before and since the said first day of July, and whether he hath not given up the same as fruitless, no veins or deposites of gold of any value being or having been discovered? and whether the said Goochland premises are not worthless as a gold mine, and whether the expense of working the same is not greater than the returns or rewards of said mine will warrant, and whether your orator hath not, in all probability, lost all the money he has advanced to the said Smith, in the aforesaid purchase of the said Goochland mine? and whether the said Smith hath not himself, since the said first day of July, admitted that the

prospects of working the said mine to any advantage, were poor and discouraging? and whether many of his, the said Smith's representations as to the value of said mine, were not overwrought, exaggerated, false and deceptive? and whether your orator was not induced to make his aforesaid purchase in said mine, of the said Smith, through the representations of the said Smith, and the confidence he had in the said Smith's skill and knowledge in mining? and whether your orator ever would have made such purchase or embarked in said enterprise, but for the glowing accounts given by said Smith of the value of said Goochland mine? and whether all your orator's reasonable expectations with regard to said mine and its value have not been deceived? and whether the said Goochland premises are not utterly worthless as a gold mine and incapable of repaying the expense of working the same? and whether the said specimens or washings, so as aforesaid, exhibited to your orator, were in truth and in fact taken from the said Goochland mine, and if taken from thence, whether the same were fair samples and specimens of said mine? and whether one hundred feet of any vein of said mine had ever been opened or developed anterior to the twenty-first day of January, 1833, or at any other time, and whether there are in fact any veins whatever in said pretended mine? and whether the said mine is or was, among the most promising in Virgina? and whether he, the said Smith was not acquainted with its true state and condition, before the first day of July last? and whether he, the said Smith, had not, anterior to the period last named, and since that time, made extensive examinations, searches and cuts in said mine, in order to ascertain whether it contained veins of gold or not, and whether the results of each examinations were not very discouraging? And whether he, the said Smith, ever did, at any time anterior to the said first day of July, convey any intimation to your orator, that the said mine was not equal to the representations that he had made concerning it? and whether, on the contrary, all the said Smith's letters, representations and declarations, relative to said mine, anterior to said first day of July, were not in a high degree flattering and encouraging, especially those which came to the knowledge of your orator?

And that the said Smith and his confederates may not only make answer in the premises, but that the said contract, in relation to the said Goochland mine, and the said purchase thereof may be rescinded, annulled, and given up, and your orator repaid all the moneys advanced by him to the said Smith, on account of said purchase, or which he may be compelled to pay, on said promissory notes, or either of them; and that your orator said three promissory notes may be given up and restored to him to be cancelled; and that the said Smith may be compelled and decreed to accept and receive back from your orator a quit claim, reconveyance or some other proper conveyance, to be decreed by this honorable court, of your orator's interest in the said Goochland mine, so as aforesaid purchased by him of the said Smith, which said quit claim or reconveyance your orator is willing to make, hath offered to make, and hereby again offers and proffers his readiness to make upon being repaid the said moneys already, advanced by him to the said Smith, and upon receiving back his said three promissory

notes; and the that the said Smith may be prevented from going beyond the jurisdiction of this court, until an order thereof, for that purpose shall be granted, and that he, his agent and agents, assignee or assignees, his attorneys, aiders, abettors and confederates, may be restrained by injunction out of this court, from negotiating, selling, pledging, aliening, transferring, parting with, or in any wise disposing of the said three promissory notes, or either of them.

And that your orator may have such other, further, and proper relief in the premises, as the nature of his case may require, and such as may be agreeable to equity and good conscience.

May it please the chancellor, the premises considered, to grant unto your orator, the writ of the people of the State of New York, of *ne exeat republica*, issuing out of, and under the seal of this court, to be directed to the said William K. Smith, thereby commanding him not to leave or depart from this State, until he shall fully answer this, your orator's bill of complaint, and until this court shall make some other order to the contrary.

And may it further please the chancellor, the premises considered, to grant unto your orator, the people's writ of injunction, issuing out of, and under the seal of this court, to be directed to the said William K. Smith, his agents, assignees, attorneys, counsellors, aiders and abettors, restraining and enjoining him and them, under a certain penalty therein to be named and expressed, from selling, transferring, aliening, negotiating, assigning and pledging, or in any way parting with, or disposing of, the said promissory notes, or either of them; that is to say, the three promissory notes, bearing date at New York the first day of July, 1833, drawn by your orator in favor of the said William K. Smith, for the sum of one thousand four hundred dollars and twenty-five cents each; one payable in four months from the date thereof, one in six months from the date thereof, and one in nine months from the date thereof.

And may it please the chancellor, the premises further considered, also to grant unto your orator, the people's writ of subpœna, issuing out of, and under the seal of this court, directed to the said William K. Smith, commanding him by a certain day, and under a certain penalty, therein to be expressed, to be and appear in this honorable court, and then and there to answer the premises, and to stand, to, abide by, and perform such order and decree therein, as to the Chancellor shall seem meet, and may be agreeable to equity and good conscience. And your orator will ever pray, &c.

GUY RICHARDS.

DAVID P. HALL,
Solicitor for Complainant.
JONA. PRESCOTT HALL,
Of Counsel.

City and County of New York, ss.

On this 24th day of October, 1833, the complainant, Guy Richards, was duly sworn before me that he had read the preceding bill and knows the contents thereof; and that the same is true of his own

knowledge, except as to the matters, which are therein stated to be on his information and belief, and as to those matters he believes it to be true.

W. T. McCOUN, V. C.

IN EQUITY.

Circuit Court of the United States for the Southern District of New York, in the second Circuit.

The answer of William K. Smith, a citizen of the State of Virginia, defendant to the bill of complainant of Guy Richards, a citizen of the State of New York.

This defendant now, and at all times hereafter, saving and reserving to himself, and all manner of benefit and advantage of exception to the manifold errors, uncertainties, imperfections and insufficiencies in the said complainant's said bill of complaint contained, for answer thereunto, or unto such parts thereof, as he, this defendant is advised, is material for him, this defendant, to make answer unto, he. this defendant, answering, saith, that in the months of June and July last, and before, and subsequently to those periods, he resided at a place called Orange mine, in the county of Orange, in the State of Virginia; and during the same periods this defendant was the known acting and acknowledged agent of a certain company, duly incorporated by an act of the legislature of the State of Virginia, according to the laws of that State, for the purposes of mining, and known as the Virginia Mining Company.

And this defendant further answering says, that during the months of June and July last, and before and subsequent to those periods, he addressed various letters to Nathaniel Richards, and Charles K. Richards, both of the city of New York, in which said letters this defendant represented as the truth, was that he had an interest in, and was the proprietor of one-sixth part of a certain gold mine which he designated as the Goochland mine, and described as situated in Goochland county, near the Fluvanna line, in the State of Virginia; but this defendant not having copies of said letters, has no recollection of representing in the said letters that his interest in the said Goochland mine, was deep and extensive, as stated in the said bill of complaint. The extent of this defendant's interest in the said Goochland mine, was as is hereinafter stated, and not otherwise.

And this defendant further answering, says, that the said letters so addressed by him, to the said Nathaniel Richards and Charles H. Richards, were written on subjects relating to mining operations generally, and in which representations were made as to various matters, in which the said Nathaniel Richards and Charles H. Richards, as well as this defendant, were interested; but this defendant denies that any representations were made in the said letters for the purpose of inducing the said complainant, or any other person or persons to make the purchases in the said bill of complaint mentioned, and described otherwise than the honest expression of the opinion of this defendant might be given to the said Nathaniel Richards and Charles

H. Richards, and to any other person or persons to whom they might think proper to exhibit the said letters, on the subjects stated therein.

And this defendant further answer, that he has no recollection that he ever requested the said Nathaniel Richards and Charles H. Richards, or either of them, verbally or in writing, to exhibit, read, or show unto the complainant, or to any other person or persons, any of the said letters for the purpose of inducing him or them, to make the purchase in the said bill mentioned.

And defendant further says, that, although the said letters were written by him to the said Nathaniel Richards and Charles H. Richards, in the most unreserved manner, there was nothing contained in the said letters which this defendant did not believe to be strictly true, and which he would have been unwilling to have been made public.

But this defendant says, he does not know whether the said letters, or any of them, were read and exhibited to the said complainant by the said Nathaniel and Charles H. Richards, or either of them, but if they were so shown, read, and exhibited unto the complainant by the said Nathaniel and Charles H. Richards, this defendant is willing, so far as the complainant has been influenced by any representations of this defendant, of a false or fraudulent kind, to be held responsible therefor.

And this defendant further answering, says, that in the said letters, or some of them, so written to the said Nathaniel and Charles H. Richards, it was represented as the truth was, that the tract of land, in which said gold mine was situated, consisted of four hundred and fifty-six acres, and that the defendant was also the owner and proprietor of one-half of a tract of one hundred acres, adjoining the four hundred and fifty-six acres aforesaid.

And this defendant further answering, says, that he admits it to be true, that in some of the said letters he expressed his desire of disposing of his interest in the said gold mine, or some part thereof, in certain shares or portions as might be agreed upon by this defendant, or by Nathaniel Richards, acting as the agent of this defendant, and the persons who might agree to purchase an interest in the said gold mine.

But this defendant denies, that he was desirous of selling any portion of his interest in the said gold mine to the said complainant in particular, or to any other person or persons in particular, except as hereinafter mentioned; the object and desire of this defendant in selling his interest in the said gold mine, being at all times to offer it in the market, and sell it for such price as might be obtained, and to such persons as might choose to purchase in the ordinary mode attending such transactions.

And this defendant further answers and says, that he denies fully and entirely any intention, purpose, act, or thing, directly or indirectly, entertained, suggested, done, or permitted on the part of this defendant, in order to sell and dispose of his interest in the said gold mine, or any part thereof, at an inordinate price, and for the purpose of fraudulently exaggerating its value.

This defendant further denies fully and entirely, that he ever made

any inflated representations and false descriptions of said gold mine to obtain an inordinate price for his interest therein, to seduce any person or persons into a purchase of the said gold mine, or the said defendant's interest therein, or any part thereof.

This defendant averring the truth to be, that in all the letters he ever wrote on the subject of the said gold mine, and in all the conversations he ever had on the subject of the said gold mine, he stated nothing more than the facts, as he honestly believed them to exist, and without any intention of falsely or fraudulently exaggerating the value of the said gold mine, and thereby inducing any person whatever to become interested as purchasers therein.

And this defendant further answering, says, and admits to be true, that he addressed a letter to the said Nathaniel Richards, dated Orange Mine, January twenty-first, one thousand eight hundred and thirty-three, and that the said letter is correctly set forth in the said bill of complaint; but this defendant again denies fully and entirely, that the said letter was written by this defendant for the purpose, or with the intent as untruly stated and set forth in the said bill of complaint, so far as any fraudulent intention, dishonest motive, or false representation is imputed to this defendant, in and by the allegations in the said bill.

And this defendant further answers, and says, that at the time he wrote and addressed the said letter to the said Nathaniel Richards, his object was to give a true and accurate account of the said Goochland mine, so far as the facts relating thereto, could be ascertained by the observation of this defendant, and from the information of others, on whose judgment this defendant could rely.

And this defendant further says, that the opinion of this defendant, so far as the same was expressed in the said letter, was honestly and candidly given without any intention, motive, or view, to misrepresent, delude, deceive, or mislead any person or persons to whom the said letter might be shown, concerning the matters stated therein.

And this defendant further answering, says, that he believes and admits, that the said letter was duly received by the said Nathaniel Richards a few days after its date; but this defendant denies, that the said letter was afterwards, in the month of June, one thousand eight hundred and thirty-three, or at any other time, shown or read by the said Nathaniel Richards to the complainant, or to any other persons at the request and by the express desire or otherwise of this defendant, with a view on the part of this defendant, of inducing the said complainant, or any other persons, to purchase at a high and inordinate price, the interest of this defendant in the said Goochland mine, or any part thereof; this defendant averring the truth to be in respect of the said letter, and the matters therein contained, that it was written at the instance of the said Nathaniel Richards, in the manner and for the purpose hereinafter set forth.

And this defendant further says, that if the said letter was shown or read by the said Nathaniel Richards to the said complainant, or other persons, it was not done at the request, solicidation, or suggestion of this defendant, with any view on the part of this defendant of induc-

ing the said complainant, or any other persons, to purchase at a high and inordinate price, or any other price the interest of the said defendant, or any part thereof, in the said Goochland mine, or the interest of any other person in the said Goochland mine. This defendant averring the truth to be, that the facts stated in the said letter were well known to many persons residing in the neighborhoodd of this defendant, and which facts independant of any statement, made by this defendant in the said letter, might easily have been ascertained by inquiry on the part of those who might have been disposed to purchase any interest in the said mine.

And this defendant further answering, says, that he is ignorant except from hearsay whether the said letter was shown or read by the said Nathaniel Richards to the said complainant, or to any other persons, and leaves the complainant to prove the same as he may be advised, although this defendant admits, that he may have been informed by the said Nathaniel Richards, that he had shown or read the said letter to the said complainant, and other persons, but of this defendant is not certain, although he believes that he has been informed by the said Nathaniel Richards, but as to the time when said letter was so shown or read by the said Nathaniel Richards to the said complainant, or to any other persons, this defendant is unable to state.

And this defendant further admits, that he was informed by Charles H. Richards, that the said letter had been read to him and others, including the complainant before the purchase made by him and them of the defendant's interests in the Goochland gold mine hereinafter mentioned.

And this defendant further answering, says, that he fully and entirely denies the truth of the allegation in the said bill of complaint, that this defendant further to deceive and defraud the complainant and such other as might read his letters, and induce the complainant to believe that the said Goochland mine was rich in gold, and in order to induce the complainant to become a purchaser at an exorbitant price of his, the said defendant's interests therein, or some part thereof, forwarded certain specimens or washings of gold ore, which he alleged were taken from the said Goochland gold mine, to the said Nathaniel Richards, with directions that the same should be exhibited by him to the complainant and other persons. This defendant averring the truth to be that, though this defendant did forward certain specimens or washings of gold ore to the said Nathaniel Richards, yet the said specimens or washings of gold ore were not forwarded by this defendant to the said Nathaniel Richards with any view, motive, or interest, to deceive or defraud the complainant, or any other persons, who might have read the letters of this defendant, or fraudulently to induce the complainant to believe that the said Goochland mine was rich in gold, or fraudulently to induce the said complainant to become a purchaser at an exorbitant, or at any other price, of his, the said defendant's interest therein, or any part thereof.

And this defendant further answering, says, that although he admits, he alleged and represented to the said Nathaniel Richards, that the said specimens or washings of gold ore, so forwarded to the said

Nathaniel Richards, were taken from the said Goochland mine, yet he denies fully and entirely that he ever gave any directions to the said Nathaniel Richards, that the said specimens or washings of gold ore should be exhibited by him to the complainant, or any other persons, with any intent, motive, or purpose of deceiving or defrauding any persons to whom the said specimens or washings might be shown.

And this defendant further answering, says, that he has been informed by the said Nathaniel Richards and by others, and which information he believes to be true, that in or about the month of June last, the said Nathaniel Richards did exhibit to the complainant, and to other persons, the said specimens or washings of gold ore so forwarded as aforesaid by this defendant as specimens of the said Goochland mine, and its productions of gold.

And this defendant further answering, says, that he believes it to be true, that the said Nathaniel Richards in exhibiting the said specimens as aforesaid, confided in the representations of this defendant as true, and did exhibit the said specimens accordingly.

And this defendant further answering, says, that the said specimens or washings forwarded by this defendant as aforesaid, and exhibited by the said Nathaniel Richards, as this defendant has been informed, and believes, were exceedingly rich in particles of gold, and gave every indication that the mine from which they were taken must be very abundant in gold, and of great intrinsic value.

And this defendant further answering, says, that the said specimens so forwarded to the said Nathaniel Richards, were proper and fair samples of such mine, and were fairly and honestly taken from an excavation made under the direction of this defendant, in the manner and at the time hereinafter particularly mentioned.

And this defendant further answers, and says, that he admits it to be true, that in the month of June last, he wrote and addressed several letters to the said Charles H. Richards in the course of a correspondence between the said Charles H. Richards and this defendant, and as this defendant believes, not less than six in number, but of the number thus written by defendant, he is not certain, not having kept copies of the said letters. And he further admits it to be true, that the letters written and addressed by this defendant to the said Charles H. Richards, were duly received by him within a short time after their respective dates, inasmuch as this defendant received answers from the said Charles H. Richards, in a short time after this defendant had written, and addressed the said letters as aforesaid. But this defendant entirely and fully denies that such letters, or any of them were written and addressed to the said Chares H. Richards, with any intent, motive or purpose, to deceive or defraud the complainant, or any other who might read the said letters, or fraudulently to induce the said complainant, or others, to believe that the said Goochland mine was very rich in gold, or of great value, or for the purpose of fraudulently inducing the complainant to become a purchaser of the interest of this defendant in the said mine, or any part thereof, at a high and inordinate price, or at any other price whatever.

And this defendant further answers and says, that as to the allegation in the said bill of complaint, that this defendant, in his said letters to the said Charles H. Richards, described the said Goochland mine in the most glowing terms, representing it as one of the richest mines, if not the very richest mine in Virginia, or in the United States; he admits the fact to be, that he wrote in the highest confidence, that the said Goochland mine, from the specimens which had been obtained by this defendant therefrom, and from the opinion entertained by others who had examined such specimens, and who were competent to judge, in the opinion of this defendant, from their knowledge of mining, was one of the richest mines, if not the very richest mine in Virginia, or in the United States.

And this defendant further answers, and admits that he has no recollection of the particular terms used by him, in the letters to the said Charles H. Richards, in describing the said Goochland mine, but he believes and admits the fact to be, that in decribing the said mine, he used language of a very decided character in describing the said Goochland mine, as being the very richest mine in Virginia, or in the United States; but this defendant avers, that in the said letters to the said Charles H. Richards, no fact was stated as being known to this defendant, which was untrue, so far as facts are given in the said letters, and that, so far as the opinions of this defendant are expressed in the said letters, in reference to the value of the Goochland mine. The same were honestly entertained by this defendant, and expressed as aforesaid, without any intent or motive, or purpose whatever, to deceive, mislead, or impose upon the said Charles H. Richards, or the said complainant, or any other person or persons, whomsoever.

And this defendant further answering, says, that although he admits it to be true, as stated in the said bill of complaint, that in his said letters to the said Charles H. Richards, he represented the said Goochland gold mine, as of very great value, as the richest mine within his knowledge; yet this defendant fully and entirely denies that such representations were made otherwise, than in good faith, and according to the honest belief of this defendant; and he also fully and entirely denies, that such representations were made with any intent, view, motive, or purpose, to deceive or delude the said complainant, or any other persons, or fraudulently to induce him or them to become purchasers of his, the said defendant's interest in the said Goochland mine, or any part thereof, or by this means or any other, to defraud the said complainant, or any other persons of the money which he or they might pay for the purchase of any interest, they, or any, or either of them, might make in the said mine.

And this defendant further answers, and says, that as to the allegation in the said bill of complaint, that this defendant represented his interest in the said mine, (being one sixth part thereof,) to be worth not less than fifty thousand dollars, and that it would be a great bargain to any person who should purchase the same, or any part thereof, at that rate, this defendant also admits it to be true, that he made such representations in good faith, and with a confident belief, that the one-sixth part thereof, was worth not less than that sum; and that it would

be a great bargain to any person who would purchase the same or any part thereof, at that rate. But this defendant fully and entirely denies, that in making such representations, he was actuated by any fraudulent intent, unfair, or dishonest motive, view, or purpose; but that such representations were made from the entire and full conviction, that such representations were true in every particular.

And this defendant further answering, says, that he fully and entirely denies, that he ever requested or desired the said Charles H. Richards to show or exhibit the letters last aforesaid, to the said complainant, or any other persons, whatsoever, in the month of June last, or at any other time, with a view to induce the complainant to believe that the said Goochland gold mine was, in reality, what this defendant represented it to be, of great and almost incalculable value, or of any other value whatever. This defendant avering the truth to be, that the letters written by this defendant to the said Charles H. Richards, being in the usual course of correspondence on the subject of the purchase of this defendant's interest in the said Goochland gold mine, and which, the said Charles H. Richards was solicitous to make on behalf of himself and the said complainant and others, were in answer to the letters of the said Charles H. Richards, and as letters of business, were, to the best knowledge and belief of this defendant, confined to the subject matter of inquiry and negotiation, made and commenced by the said Charles H. Richards, in the manner, and under the circumstances hereinafter stated.

And this defendant further answering, fully and entirely denies, that in writing such letters to the said Charles H. Richards, or making any representations therein, he had any intent, motive, object, or desire, directly, or indirectly, of luring the said complainant into a purchase of this defendant's interest in the said mine, or in any part thereof, at a most exorbitant and disproportionate price, or at any other price, whatsoever, or of defrauding the complainant out of any money he might pay and advance, on account of any purchase he might make, or in any other manner, whatsoever, to deceive, injure, or impose upon the said complainant, by any false representations, or any representations whatsoever.

And this defendant further answers, and says, that he admits it to be true, that during all the periods referred to in the said bill of complaint, and for a long space of time anterior thereto, he deemed himself well skilled in the business of mining, having been employed in that business in South America; that he believes he understood the directions of veins in a mine, the cost and expense of extracting gold from the foreign materials, by which it was surrounded, and in which gold is most usually found. But this defendant denies that he gave out and represented to the said complainant, or to any other persons during the said periods, or for any time anterior, or subsequent thereto, that he was so well skilled in the business of mining, having been employed in that business in South America, that he understood the direction of veins in a mine, and the cost and expense of extracting gold from the foreign materials by which it is sourrounded, and in which gold is most usually found, or made any other repre-

sentations, whatsoever, respecting the skill, knowledge, or experience of this defendant, that any such representations would have been unnecessary, as well as vain and idle; inasmuch, as the said complainant and others, acquainted with this defendant, well knew that this defendant esteemed himself well skilled in the business of mining, having been employed in that business in South America, and consequently, by such experience, was capable of judging correctly, as to the cost and expense, attendant upon mining operations.

And the defendant further answering, says, that he admits it to be true, as stated in the said bill of complaint, that the said Virginia Mining Company, relying upon the fitness of this defendant, for the business aforesaid, and his skill in the principle and process of mining, during all the time referred to in the said bill of complaint, employed this defendant as their agent, to superintend their mining operations in the State of Virginia, and during the whole time of the aforesaid negotiations and representations, mentioned in the said bill of complaint, and in this defendant's answer, particularly stated and referred to. This defendant further admits that he was the agent of the said Virginia Mining Company, and resided for the most part at a place in Virginia, called the Orange mine. But this defendant denies, that during the said period he was so employed, he was exploring various places in search of gold mines, as stated in the said bill of complaint, other than the examination and exploring in the county of Goochland, as hereinafter stated, and set forth. And this defendant also denies, that he ever asserted the existence of gold mines, without having examined the peculiar indications, existing where gold is generally found, or that he explored the said Goochland mine at any other time or manner, different from that hereinafter set forth.

And this defendant further answers, and says, that he believes it to be true, and therefore admits the same, that the said complainant did not visit the said mine, or tract of land, on which the said mine was, before sale thereof, but whether the said complainant had, or had not any agent employed to obtain information respecting the said mine, he is ignorant, and leaves the said complainant to prove the allegations in that behalf, as he may be advised.

And this defendant further answers the truth to be, that the information contained in the said letter, so far as this defendant's statements therein, purport to be made on his own personal examination and observation, were derived and ascertained, from an examination made by this defendant in person, before the said letter was written, as aforesaid, and at the time, and in the manner hereinafter stated, and set forth.

And this defendant further answering, says, that except, from the allegations in the said bill of complaint, that the complainant, in the months of June and July last, believing this defendant to be a man of strict honesty, truth, and veracity, reposed the most implicit faith in this defendant's declarations, with regard to the said gold mine, and relied exclusively upon the defendant's representations, especially upon his letter to the said Nathaniel Richards, and this defendant's said several letters, to the said Charles H. Richards, as containing

accurate, fair, and correct descriptions of the said Goochland mine, he cannot answer, except from information and hearsay, as to the belief of the said complainant in this particular, or as to the faith reposed by him in this defendant's declarations, or as to the reliance by him upon this defendant's representations, although this defendant believes, and admits it to be to be true, that until the said complainant became, and is satisfied with his purchase of an interest in the said gold mine, as hereinafter stated, he esteemed this defendant a man of strict honor and integrity, and reposed confidence in his declarations. But this defendant does not believe, that the said complainant reposed such implicit faith in the declarations of this defendant, with regard to the said gold mine, so as to obtain no information from others, whose opinions on the subject of the said gold mine, had been formed from the same opportunities of observation with this defendant, nor does this defendant believe that the said complainant relied exclusively upon the representations of this defendant, whether in the letter written to the said Nathaniel Richards as aforesaid, or in the said several letters, to the said Charles H. Richards as aforesaid, inasmuch, as there were many persons, who were acquainted with the location, and supposed properties of the said mine, before and subseqent to the writing of the said several letters, by this defendant to the said Nathaniel Richards and Charles H. Richards, and who had formed and expressed opinions in regard to the said gold mine, and which opinions were well known to all persons, who made inquiries, with a view of being informed upon the subject.

And this defendant further answering, says, that he admits it to be true that the said complainant, in the month of July last, and on or about the first day in the said month, became a purchaser of one-eighth part of his, the said defendant's, interest in the said Goochland gold mine, being one-eighth part of one-sixth of the said mine, at the price of five thousand six hundred and twenty-five dollars; being at and after the rate of forty-five thousand dollars for this defendant's interest, being one-sixth of the entire mine. But this defendant fully and entirely denies, that the said complainant, in becoming such purchaser, was deluded, deceived, or imposed upon, by any representations of this defendant in regard to the said gold mine.

And this defendant further answers, and says, that the negotiations for the purchase of an interest in the said gold mine, by the said complainant, were carried on principally through Nathaniel Richards, who acted in that behalf as the agent of this defendant, who was himself interested in the said gold mine, as hereinafter particularly stated and set forth; and likewise through Charles H. Richards, who acted in the matter in connexion with the said Nathaniel Richards, in the manner and under the circumstances hereinafter mentioned and set forth.

And this defendant further answering, says, that he believes, and admits it to be true, that the said complainant, on or about the first day of July last past, agreed to purchase, and did purchase of the said Nathaniel Richards, acting as the agent of this defendant, one-eighth

part of this defendant's aforesaid interest in the said gold mine, at and after the rate last aforesaid.

And this defendant further answers, and says, and admits it to be true, that by the terms of the said purchase, the said complainant was to pay this defendant one-fourth part of the said sum of five thousand six hundred and twenty-five dollars, in cash, at the time of the completion of the purchase aforesaid; one-fourth part in four months from that time, one-fourth part in six months, and one-fourth part in nine months from the period last aforesaid.

And this defendant further answering, admits it to be true, that in pursuance of the said agreement, the said complainant, on or about the first day of July last past, paid to this defendant, through Nathaniel Richards, this defendant's agent as aforesaid, the said sum of one thousand four hundred and six dollars and twenty-five cents, in cash, and at the same time executed and delivered to this defendant, through his said agent, Nathaniel Richards, who was duly authorized by this defendant to receive said cash and notes, the said complainant's three several promissory notes in favor of this defendant, and payable to his order, for the sum of one thousand four hundred and six dollars and twenty-five cents; each bearing date the first day of July, in the year one thousand eight hundred and thirty-three: one of which said notes was, and is, payable in four months from its date, and the second in six months from its date, and the third and last, in nine months from its date.

And this defendant further answering, admits it to be true, that the said complainant did not receive a direct conveyance from this defendant, for the complainant's one-eighth part of this defendant's interest in the said gold mine, because, by an arrangement between the said complainant and this defendant, and other purchasers of parts of this defendant's interest in the said gold mine, as the title thereof was actually vested in the said Nathaniel Richards before that time, the said complainant was to take a conveyance directly from the said Nathaniel Richards.

And this defendant further answers, and says, that he fully and entirely denies the allegation in the said bill of complaint, that this defendant, by any false or fraudulent means whatsoever, or with any fraudulent or unfair interest or motive whatsoever, induced the said Nathaniel Richards to purchase more than two-thirds of the said gold mine on his own account, or any other part or portion thereof, or for or on account of any other person whomsoever.

And this defendant further answering, says, and admits it to be true, that the said Nathaniel Richards did purchase more than two-thirds of the said gold on his own account, in the manner and under the circumstances, and at the time, and for the consideration hereinafter particularly set forth.

And this defendant further answering, says, he admits it to be true, that about the time of the said last mentioned purchases by the said complainant, this defendant sold to various other persons, through the said Nathaniel Richards, his agent as aforesaid, other parts of this defendant's interest in the said gold mine, upon the same terms with the complainant's purchase; and this defendant admits that the se-

ven-eighths of his interest in the said gold mine, were sold for no less a sum than thirty-nine thousand three hnndred and seventy-five dollars. But this defendant fully and entirely denies, that in making such sales of his interest in the said gold mine, he used any means or arts, of a fraudulent or dishonest kind, or any means or acts inconsistent with truth or honor, to induce the said complainant, or any other purchasers of the said gold mine, to become purchasers thereof.

And this defendant further answering, says, that he believes, and admits it to be true, as stated in the said bill of complaint, that the said complainant, on or about the fourth day of July last, did receive from the said Nathaniel Richards, a receipt or instrument in *in* writing in the nature of a receipt, which was to indicate the extent of the complainant's interest in the said gold mine, and stand in the place of a deed; and that the said receipt or instrument in writing, in the words and figures as stated in the said bill of complaint, as this defendant has reason to believe. But this defendant further says, that he has no personal knowledge of the contents of the said receipt, the same having been drawn and executed by the said Nathaniel Richards, while this defendant was absent, and never having been in the possession of this defendant, and never having been seen by him, until informed by a copy thereof, contained in the said bill of complaint.

And this defendant further says, that he has been informed, and believes, and therefore admits, that by the terms of the complainant's agreement with the said Nathaniel Richards, acting as the agent of this defendant as aforesaid, the said receipt was to be received by the said complainant instead of a deed, or other instrument in the nature of a deed, for his interest in the said gold mine, purchased as aforesaid by the said complainant.

And this defendant further answering, says, that he admits it to be true, that the said Nathaniel Richards hath paid over to this defendant, the said sum of fourteen hundred and twenty-six dollars and twenty-five cents cash, and also delivered over to this defendant, the said three promissory notes specified in the said receipt; one of which said notes, payable in four months from the date thereof, has been paid, the other of which said notes, payable in six months, has been negotiated, and is now in the hands of J. Howard and Son; and the other of which said notes, payable in nine months, now is in the possession of this defendant.

And this defendant further answers, and says, that he entirely and fully denies, that the said complainant hath recently, and since purchase aforesaid, and since the payment of the said money, and the giving of the said promissory notes, discovered that all or any of the representations and declarations of this defendant, whether verbally or those contained in the aforesaid letters in relation to the said Goochland mine, were and are false, fraudulent and deceptive: this defendant averring the truth to be, that in all the statements he ever made, at any time, to any person, concerning the said Goochland mine, whether in writing or verbally, so far as facts were given, within the knowledge of this defendant, they were strictly true; so far as the information derived from others was given, this defendant be-

lieved such information to be true; and so far as his opinion has been expressed on the subject of the said Goochland mine, such opinion was honestly and sincerely entertained by this defendant, without any interest, motive or view, directly or indirectly, to deceive or impose upon the said complainant, or any other person whomsoever.

And this defendant further says, that it is entirely untrue, as charged in the said bill of complaint, that the representations and declarations of this defendant were made for the express purpose of deluding and deceiving the complainant, and other persons, and inducing him and them, upon false, fraudulent and deceptive representations of this defendant, to become purchasers of the interest of this defendant in the said gold mine, or some part thereof, at an exorbitant and unconsciable price, for the express purpose of cheating and defrauding the said complainant, and other persons who might become purchasers, out of such sums as he or they might be induced to pay for the same. This defendant averring the truth to be, contrary to the allegations in the said bill, that the representations and declarations of this defendant were not made for the express purpose, or for any purpose of deluding or deceiving, or in any way fraudulently imposing upon the said complainant, or any other person whomsoever, or with any view, motive or intent, of inducing the said complainant, or any other person, upon any false, fraudulent or deceptive representations, directly or indirectly made by this defendant, to become purchasers of this defendant's interest, or any other interest in the said gold mine, or any part thereof, at an exhorbitant and unconsciable price, or at any other price, for any purpose, express, direct or indirect, of cheating or defrauding, or otherwise injuring, misleading or taking the advantage dishonestly, or unfairly, of the said complainant or any other person, either by the suppression of the truth or by the suggestion of untruth, in regard to the said Goochland mine, the location, qualities or condition thereof.

And this defendant further answering, says, that he fully and entirely denies, that the said complainant hath discovered, by any means, or by the confessions of this defendant made since the aforesaid purchase and payments as aforesaid; that there are not, and never have been, any veins of gold whatever, in the said Goochland mine. This defendant averring the truth to be, that there are, and were veins of gold in the said Goochland mine; and this defendant avers, that if the said complainant hath been informed to the contrary thereof, such information is entirely unfounded and untrue. And this defendant denies, that he ever admitted, in any way, by confessions or declarations, to any person or persons, at any time, that veins of gold were not, and never have been found in the said Goochland mine, or never existed therein.

And this defendant further answers, and says, that he entirely and fully denies, that when he wrote the letters, or made any representation or declaration referred to in the said bill of complaint, or at any other time, to any other person or persons, he knew, or had reason to suppose, that there were no veins of gold in the said Goochland mine; on the contrary, thereof, this defendant avers the truth to be, that in

all his representations, by letters or otherwise, he knew the fact to be, from personal inspection and examination, of the said Goochland mine, before such representations were made, that the said Goochland mine contained veins of gold, of an extraordinary richness, and of great intrinsic value.

And this defendant further answering, says, that it is also, untruly alleged, in the said bill of complaint, that neither one hundred, nor any other number of feet, on a vein, in the said mine, was, or were, at the time of the date of the aforesaid letter, from this defendant, to the said Nathaniel Richards, under date of January 21st, one thousand eight hundred and three, or at any other time, opened or developed this defendant; on the contrary, thereof, averring the truth to be, that before the time of writing the said letter, this defendant, visited the said Goochland mine, and found one hundred feet, or upwards, according to the best judgment of this defendant, on the vein developed in the said mine, as is truly stated in the said letter, to the said Nathaniel Richards, as last aforesaid.

And this defendant further answering, says, that he has been informed, and admits the allegation in the said Bill of complaint, contained in this behalf, that cuts and searches have recently, and since the purchase and payments as aforesaid, been made on the said mine, in various directions; but this defendant not having visited the said mine, since most of such cuts and searches have been made, is entirely ignorant to what extent, with what judgment, or in what directions such cuts and searches have been made, or continued. But this defendant, in the fullest and broadest manner denies, that no veins of gold can be discovered on the said mine, provided the proper means are adopted to discover the same; and this defendant, in further answer to this allegation, avers, the truth to be, that at this time, specimens of the like kind, and quality, forwarded by this defendant to to the said Nathaniel Richards, as aforesaid, may be found in the said Goochland mine, by sinking shafts on the formation or vein from which the said specimens of gold forwarded to the said Nathaniel Richards, as aforesaid, were taken, under the inspection, and by the direction, of this defendant, in the manner hereinafter more particularly described, and stated.

And this defendant further says, in answer, that it may be true, that the extent of the said mine, and the veins thereof, in point of richness, may turn out to be very different from the opinion entertained and expressed by this defendant, as aforesaid. But this defendant, charges, and insists, that the said complainant, purchased an interest in the said mine, subject to all the contingences connected with mining operations, and being aware that the most experienced and skilful miners, are very often misled by the indications, on the first working of mines, and that the said complainant, engaged in the speculation, with full knowledge of the chances connected with such undertakings.

And this defendant further answers and says, that he has not been informed, and is entirely ignorant of the number of searches the said complainant, and the other persons, purchasers of the said mine, have

been compelled to make, he is, in like manner, uninformed, except from general information, as to the number of shafts sunk, cuts and experiments made, although he believes, and admits, that the said complainant, and the other purchasers, continued their mining operations, and expended a small sum of money in the enterprise, but whether they have been compelled to abandon the search after gold in the said mine, to dismiss their workmen, or give up their said project of mining, altogether, he has no information or knowledge, except from the said bill, as is hereinafter stated, by this defendant, and leaves the same to be proved, by the said complainant, as he may be advised.

And this defendant further answers, and says, that as to the allegation in the said bill of complaint, that fine particles of gold were found on the premises, included within the boundaries of the said Goochland mine, at the time of this defendant's representations, but that such articles are, and were so minute, so few, and so mixed up with sand and other foreign substances, that the cost of extracting the gold from said materials, far exceeds the value of the gold, when extracted, the same is untrue, in substance, and in fact, inasmuch, as this defendant again avers the truth to be, that the specimens procured by this defendant as aforesaid, and forwarded to the said Nathaniel Richards as aforesaid, were taken fairly and honestly, from the said Goochland mine, and as specimens of the quality of the gold found therein, honestly and fairly exhibited as evidence of the quality of the gold, and the quantity thereof, and which said specimens were, in fact, very rich, and indicated the said Goochland mine, if the same indications continued, to be one of the richest mine in the United States.

And this defendant further answering, says, that if the said complainant, in the further pursuit of the mining business in the said Goochland mine, has discovered fine particles of gold, so minute, so few, and so mixed up with sand and other foreign substances, that the cost of extracting the gold from the said materials, far excceds the value of the gold, when extracted, the same has been found in some place not examined by, or known to this defendant. But this defendant believes, and admits it to be true, that fine particles of gold, of the description mentioned in the said bill of complaint, have been found on the premises included within the boundaries of the said Goochland mine; but this defendant denies that the specimens procured by him at the said Goochland mine, and forwarded to the said Nathaniel Richards as aforesaid, were other than the richest specimens ever discovered in the United States.

And this defendant further answers, and says, that he does not admit or believe that the four hundred and fifty-six acres, and the one hundred acres of land specified in the said receipt, of the said Nathaniel Richards, are utterly worthless as a gold mine, and of no value whatever to the said complainant; on the contrary thereof, this defendant avers his belief to be, that the said premises are very valuable, by reason of containing thereon, the said gold mine, and which this defendant believes, if properly worked, would prove productive, provided no interruption is interposed to the working of the said mine,

by the veins thereof being covered with rock or other foreign materials. And this defendant further answers, and says, that the specimens and samples of the said gold mine, forwarded by this defendant to the said Nathaniel Richards, and which, as defendant believes, were exhibited to the said complainant, and others, by the said Nathaniel Richards, as fair specimens and samples of the said gold mine, were in truth, and in fact, fair samples or specimens of the said gold mine, according to the judgment and belief of this defendant, at the time the same were taken from the said gold mine, and at the time of forwarding the same to the said Nathaniel Richards as aforesaid. This defendant averring the truth to be that at the time such specimens were obtained, he had no reason to believe that the same indications of a valuable and rich gold mine would not be continued to a great extent, and uninterrupted or deteriorated by the interposition of rock or other foreign materials.

And this defendant further answering, says, that he admits it to be true, as stated in the said bill of complaint, that the said specimens or washings, forwarded to the said Nathaniel Richards as aforesaid, were exceedingly rich, abounding in particles of gold, indicating that the place from whence the said samples were taken, also abounded with gold. But this defendant, denies, in the fullest manner, the charge in the said bill of complaint, that no specimens like those forwarded to the said Nathaniel Richards as aforesaid, and exhibited to the said complainant as alleged, can be found upon the said Goochland mine ; on the contrary thereof, this defendant avers, the truth to be, that such specimens were, in fact, all found upon the said Goochland mine, as hereinbefore stated.

And this defendant further answering, says, that it is untruly, and unjustly alleged, by the said complainant, in the said bill of complaint, that the said specimens were not taken from the said Goochland premises.

And this defendant further answers, and says, that the further allegation in the said bill of complaint, that if the said specimens were taken from the said Goochland premises, they were the only specimens of the same kind that ever were on the said premises, is also entirely unfounded and untrue. And this defendant, in the fullest manner denies the truth of the said allegation ; for this defendant avers the truth to be, that before this defendant had become at all interested, in any way, in the said Goochland mine, and while it was owned and worked by its former owners, the reputation of the said mine stood very high as a very rich and promising mine, and at this early period, the said mine had been visited by several scientific miners, by whom the products of the said mine had been examined, and after repeated trials of the specimens procured from the said mine, pronounced to contain ore uncommonly rich in gold.

And this defendant further answers, and says, that he has been informed, and believes, that such specimens obtained before this defendant became interested in the said mine as aforesaid, corresponded with the specimens procured by this defendant, and forwarded to the said Nathaniel Richards, as aforesaid, being found in a mica slate vein, intermixed with quartz fragment.

And this defendant further answers, and says, that as to the allegation in the said bill of complaint, also contained, that this defendant well knew, that the said specimens exhibited as aforesaid, to the complainant, and others, as fair specimens and samples of the said mine, were well known to this defendant, not to be fair samples of of the said Goochland mine, the same is utterly and entirely untrue, this defendant averring the truth to be, as before he has repeatedly averred, that the said specimens forwarded to the said Nathaniel Richards, as aforesaid, were fair samples of the said Goochland mine, according to the best information, knowledge, and belief, of this defendant, at the time the same were procured, forwarded, and exhibited, as aforesaid.

And this defendant further avers, and alleges the truth to be, that down to the present moment, he has had no reason to believe that such specimens were, or are not, fair samples of the said Goochland mine, subject to the contingencies and chances of the veins of gold being interrupted or deteriorated by the intervention of rocks or other foreign materials, as aforesaid. But this defendant, avers the truth to be, that at the time he procured the said specimens, and forwarded the same, and at the time the same were exhibited, and at the time of the purchase of an interest in the said mine by the said complainant, and others, referred to in the said bill of complaint, this defendant did not know, had he any reason to believe, and did not believe, that there existed any cause, or causes, by reason of the intervention of rocks, or other foreign materials, or by reason of any other matter or thing, by, or from which, or in consequence thereof, the said samples, so procured, by defendant, and forwarded, and exhibited as aforesaid, were not, or ought not to be, considered and estimated as fair samples of the said Goochland mine.

And this defendant further answers and says, and again fully, entirely, without any *any* qualification, denies the truth of the allegation in the said bill of complaint, that the said samples and specimens, so procured, forwarded and exhibited as aforesaid, were with any intent, motive or purpose of defrauding the complainant or others out of their money or property, by inducing him and them, or any other persons to become purchasers of shares of this defendant's interest in the said mine, or to become otherwise interested in the same, upon the faith of the said specimens or otherwise, or by any false, fraudulent or deceptive representations of any kind or description, by writing or verbally, or in any way or manner whatsoever, and at any time whatsoever.

And this defendant further answers, and says, that it is untruly and erroneously alleged in the said bill of complaint, that the said Goochland premises do not contain veins of gold, nor any considerable deposite of gold, neither are the same rich in gold, or of any value whatsoever for any purpose of mining for gold; on the contrary thereof, this defendant avers his belief to be, from his own personal examinations of the said Goochland premises, and from the information derived from others of approved judgment, skill and experience as miners, that the said Goochland premises do contain veins of gold and con-

siderable deposites of gold of extraordinary richness and value, and that if the said Goochland mine should be worked with proper skill, enterprise and sufficient capital, the same would prove of great value, subject to the contingencies and chances attendant on all mining speculations as aforesaid.

And this defendant further answers, and says, that it is untrue that this defendant knew or had any reason to suppose, at the time of his making any representations concerning the said Goochland mine, or at the time of the complainant's purchase and payments, or at any other time, that the nature of the said Goochland premises were otherwise than he had stated, or that the said premises were utterly worthless for the purpose of mining for gold, or otherwise, than in this, his answer, hereinbefore and hereinafter stated and set forth.

And this defendant further answers, and says, that it is entirely and unqualifiedly untrue, as stated in the said bill of complaint, that this defendant's representations, declarations and letters were and are false and deceptive, and made for the express purpose of defrauding the said complainant, and other persons, out of his and their money by inducing them to become purchasers of a worthless tract of land as and for a gold mine of great intrinsic value; this defendant averring the truth to be, that all his representations, declarations and letters, on all occasions, at all times, and to all persons, were true and accurate, and honestly and fairly given and expressed, according to the knowledge, skill, experience and best judgment of defendant, and were not made or given or expressed, for the express purpose or any other purpose, express, direct, indirect, or any other way, with any intent, motive or object, of defrauding the complainant, or any other person or persons, out of his or their money or property, or the money or property of any or either of them, or otherwise, by inducing them, or otherwise influencing them, to become purchasers or otherwise interested in the said Goochland premises.

And this defendant further answering, says, that at the time of the filing of the said bill, he was in the city of New York, that he is not a resident of the State of New York, but is within it for a temporary purpose.

And this defendant further answers, and says, that he intends soon to depart from the State of New York, to return to the State of Virginia, where his residence is.

And this defendant further answers, and says, that in equity he is not bound to cancel and annul the aforesaid purchase and agreement, or to pay back to the complainant the money received of him on account of the said purchase, or to deliver up to the complainant his three promissory notes given as aforesaid, or receive back from the said complainant a reconveyance or surrender of the complainant's right, title and interest in and to the said Goochland mine.

And this defendant further answers, and says, he admits it to be true that he refused to pay back to the said complainant the said purchase money or any part thereof, and refuses to surrender to the complainant his said promissory notes.

And this defendant also admits, that he refuses to receive from the

complainant a quit claim or reconveyance of his aforesaid interest in the said Goochland mine.

And this defendant further answers, and says, that it is true that this defendant has always insisted, and not sometimes pretends, as charged in the said bill, that he hath made no unfair representations whatever in relation to the said Goochland mine, and that the complainant purchased his said interest therein, with a full knowledge of all the facts of the case, and upon his own responsibility.

And this defendant further answers, and says, that he is uninformed and ignorant, except from the charges in the said bill, whether the said complainant had, at the time of his said purchase, never seen or explored the said premises, or whether he had no knowledge or information in relation to the same, except such as he derived from the declarations, representations and letters of this defendant and the said specimens or washings furnished by him to the said Nathaniel Richards as aforesaid; but this defendant believes it to be true that, at the time of the said purchase, the said complainant had not seen or explored the said premises.

But this defendant further answering, says, that he does not believe that the said complainant had no knowledge or information whatever in relation to the said premises, except such as he derived from this defendant's declarations, representations and letters, and the said specimens or washings, furnished by him to the said Nathaniel Richards as aforesaid, inasmuch as the said Goochland mine had been, for some time previous to the purchase of an interest therein by the said complainant, celebrated for the richness of its ore, and was well known to many persons who had visited the same, and seen the specimens taken therefrom, and was esteemed and reputed, before this defendant became interested thereon, as one of the richest mines in the United States.

And this defendant further answers, and says, that as to the allegation in the said bill of complaint, that the said complainant purchased his said interest, in the said Goochland mine, solely upon the faith of the representations, declarations and letters of this defendant, he does not believe or admit the truth thereof. But this defendant does believe and admit that the said complainant, when he purchased his said interest in the said Goochland mine, fully believed the declarations and representation and letters of this defendant to be true, so far as he may have been informed thereof, and that he did purchase his said interest in the full reliance that whatever this defendant had said, declared or written on the subject of the said Goochland mine, was strictly true.

And this defendant further answers, and says, that he fully and entirely denies the truth of the allegation in the said bill of complaint, that this defendant has ever given out, or pretended, that he was himself deceived in relation to the said premises; on the contrary thereof, this defendant avers his belief to be, as he has frequently declared since, he understood that the said complainant, and others interested in the said mine, had become dissatisfied in relation thereto. That the working of the said mine had not been carried on to the extent

with the enterprise and the capital necessary and proper and adequate to test the value and capabilities of the said mine. But this defendant further says, that it is true he has heard of unexpected obstacles having occurred in the working of the said mine, by the interposition of a layer of gniess rock, found at various distances on sinking the shafts employed in mining operations, and which obstacle was entirely unknown to this defendant, until after the purchase, by the said complainant as aforesaid, and in relation to which obstruction this defendant has said he was himself disappointed, inasmuch as the indications of the mine, when he procured the specimens, made the representations and disposed of his interest in the said mine, were not anticipated or apprehended by him, or by any other person who had visited and examined the said mine, with a view to the qualities and value thereof.

And this defendant further answers, and says, that he admits it to be true, as charged in the said bill, that he has stated repeatedly that, at the time this defendant made any representations or declarations respecting the said mine, that he fully believed the same to be true in all particulars, and that the said premises were rich in veins and particles of gold, and of great value as a gold mine.

And this defendant further answers, and says, that it is true this defendant considers himself, and at the time of the purchase of the said complainant, considered himself to possess a competent knowledge of mining regions, and that he was well skilled in the business of mining, especially for gold. But this defendant denies that he ever gave out, or pretended to the said complainant, that he possessed such knowledge or experience. Although this defendant believes and admits that the said complainants, being well acquainted withthis defendant, with his character and with his reputation for knowledge and skill of and in the business of mining, was induced to rely upon such knowledge and skill, and did rely upon the same in making the said purchase. But this defendant does not believe that the said complainant, in making such purchase, was induced to confide in and rely solely upon the knowledge and skill of this defendant, without any examinations of the said premises, inasmuch as the said Goochland mine had been, for some time previous to the purchase of an interest therein by the said complainant, celebrated for the rich quality of its ore, and was well known to many persons in Virginia, in the neighborhood of said mine, of competent skill, knowledge and experience as miners, or otherwise informed on the subject of mining, and from whom information might have been obtained, or whose opinions publicly expressed on the subject of the said gold mine, were well known to all who wished to be informed on the subject of the said mine, and whose opinions this defendant believes were known to persons in the city of New York, with whom the said complainant was intimate, and who were interested, or intended to become interested, in mining speculations; and that the said complainant, as well as others who became purchasers of an interest in the said gold mine, were referred to, and had confidence in the skill, knowledge and experience of such other persons who had visited the said mine and formed an estimate thereof.

And this defendant further answers and says, that it is utterly and

entirely untrue, as charged in the said bill of complaint, that this defendandant, at the time of the sale to the said complainant, and anterior thereto, was well aware that the said premises were of no value, as a gold mine, and intended to defraud the complainant in the purchase thereof, by the means, acts, declarations, and pretences, alleged and set forth in the said bill; on the contrary thereof, this defendant avers the truth to be, that, at the time of the sale of the said premises, and anterior thereto, this defendant fully and honestly believed, and had no reason to doubt the truth of such belief, that the said premises were of great value, and fully worth the price asked for the same, and paid by the said complainant and others, in the purchase thereof. And this defendant further avers the truth to be, that, at no time had he any intent, motive, or purpose, in any way, by any means, to defraud the said complainant, or otherwise to deceive or mislead him, in relation to the premises, or the purchase thereof, or any part thereof.

And this defendant further answers and says, true it is, this defendant, when speaking of the purchase made by the said complainant, as aforesaid, has always said, and now avers his belief to be, that the said complainant made the said purchase as a speculation, at his own hazard, as such speculations are always made, and subject to the contingencies and chances attendant on mining speculations, as hereinbefore and hereinafter stated and set forth. But this defendant denies that he ever pretended that the said complainant made the said purchase without any reference to this defendant's declarations and representations, this defendant believing that the said complainant, in making the said purchase, confided in the character, truth, knowledge, and skill of this defendant, but not solely and exclusively, inasmuch as the said complainant had the means of information in other quarters, as hereinbefore stated, and which means of information this defendant believes the said complainant availed himself of in forming an estimate of the said mine, and in making the purchase as aforesaid.

And this defendant further answers and says, that, as to the allegation in the said bill, that the said complainant would never have made said purchase, but for the extreme pains taken by this defendant to induce the complainant to believe that the said Goochland premises were of great intrinsic value, as a gold mine; he denies entirely and fully, that this defendant at any time took extreme pains, or any other pains, to induce the said complainant to make the said purchase; that the purchase was made by the said complainant without any solicitation on the part of this defendant, other than under the circumstances and in the manner hereinafter set forth.

And this defendant further answers, that the only search for veins or deposites in the said Goochland mine, made by this defendant since the said first day of July last, was in the month of September last, in which search he found gold ore, and which was sent to the said Nathaniel Richards, by the hands of complainant, on his return from Virginia, as hereinafter mentioned and set forth; and inasmuch as he has made no other search, he hath not given up the same as

fruitless, nor does he believe that if searches were properly made, in a proper and enterprising manner, that the same would be found fruitless.

And this defendant says, that the searches made before the first day of July for veins and deposites of gold, under the direction of and by this defendant, are hereafter fully and truly set forth.

And this defendant further answering, says, that so much of the allegations in said bill of complaint as refer to the expenses of working the said mine exceeding the returns or rewards received by the said the complainant, and others, associated with him in working said mine, may or may not be true, but that he has not received from them any accurate account of said expenses, nor of the mode, extent, and obstacles adopted, attempted, or interposed, in and to the working of the said mine.

But this defendant avers his belief to be, as hereinafter stated, that the said mine might be made productive and valuable, provided sufficient enterprise, skill, and capital were employed in the working the same, subject, of course, to the contingencies and disappointments of mining, against which he has never attempted to insure any one.

And this defendant further answers and says, that, as to the inquiry whether the said complainant hath not, in all probability, lost all the money he has advanced to this defendant in the purchase of the said Goochland mine, he is unable to answer, inasmuch as that will depend upon some extraordinary obstacle not hitherto known to defendant, as well as upon the mode and manner in which the mining operations of the said Goochland mine may be conducted.

And this defendant further answers and says, that the following is a true and accurate account of the circumstances, knowledge, and agency of this defendant, in regard to the said Goochland mine, of the objects, motive, and intention of this defendant, in the examination and purchase thereof, and of the mode, manner, object, interest, and purpose of this defendant, in selling and disposing of his interest therein, and of the purchase, by the said complainant and others, in the said Goochland mine, according to the belief of this defendant: that this defendant, having frequently heard of the rich ore of the Goochland mine, and of the high expectations formed of the value thereof, in the month of December, in the year one thousand eight hundred and thirty-two, visited the said mine, in company with John Hitz and John Hitz, junior, Francis Wyatt, Samuel Jenkins, and others. That this was the first visit ever made by this defendant to the said mine; that the said John Hitz, and John Hitz, junior, had been for some time employed by Virginia Mining Company, and had been and were well known as persons having great experience and skill in mining in Europe and America; that before the visit by this defendant, as hereinafter stated, this defendant had a conversation with the said John Hitz, senior, and John Hitz, junior, concerning the extraordinary richness of the said mine; that they represented to this defendant, that they had, in several occasions, taken specimens of gold ore from the Goochland mine, which was then owned and worked by Col. D. W. R. Bowels, Mr. Joseph Hodson, Mr. George

Fisher, and *and* other citizens of Virginia, and that, after repeated trials, they had ascertained that the ore was uncommonly rich in gold; that this defendant was solicited by the said John Hitz and Son to accompany them to the said gold mine, for the purpose of a further examination. That this defendant accordingly consented to make such a visit and examination; that this defendant, on visiting the said Goochland premimises, found many visitors there, and that several persons were on the spot desirous of purchasing the mine. That at this time the owners of the said mine, as well as others who had seen the rich washings of the gold then found at the mine, had formed the highest opinion of its value. This mine had been worked the year before as a surface mine, and to a considerable extent, and, as this deponent was informed, with profit. Mr. John Hitz, senior, and Mr. Francis Wyatt, had proposed to this defendant to become interested with them in purchasing the mine from the owners, who were eight or ten in number, and who, from a disagreement among themselves, were not able to work the mine to advantage, notwithstanding the high reputation of said mine, and notwithstanding the confidence of the said John Hitz, senior, and John Hitz, junior, as well as others, in the richness of the said mine, from the examinations hitherto made by them, and the procuring of specimens of ore. This defendant, before he consented to become interested in the said mine, and for the purpose of satisfying himself, by his own personal examination, obtained permission from the owners to sink another shaft upon the vein or slate formation, in which the deposites of veins of gold were supposed to be; that the consent of the said owners was granted to this defendant to sink the said shaft, upon condition of defendant's paying the expense thereof, and superadding to the amount thereafter agreed to be paid, on the purchase of the said mine, should the same be purchased at the sum of one thousand dollars. That this defendant, in the said month of December, one thousand eight hundred and thirty-two, located a shaft where he thought the formation or vein containing gold would be cut or intersected, at the depth of from twenty to forty feet, but on sinking the same to the depth of about twelve feet, the formation of talco and mica slate, containing gold, was struck. That from this spot nearly all the specimens which were forwarded to the said Nathaniel Richards were taken, under the direction of this defendant, in the presence of many persons who were present at the time, and witnessed the whole proceeding, and among whom this defendant refers particularly to John Hitz and John Hitz, junior, Francis Wyatt, George Fisher, and George Fisher, junior. These specimens, on being obtained, produced still greater confidence in the great value of the mine; and this defendant, from the examination he had then personally made, became convinced that the mine was one of extraordinary promise, and the specimens of extraordinary richness. That after this defendant had made this examination, he determined to become interested as a purchaser in the said mine. But this defendant found a difficulty in closing the purchase of the property, as the owners thereof informed defendant that there were persons on the ground who were disposed to give a larger sum than that offered by defendant. After some delay a bargain was made with the

owners in behalf of Nathaniel Richards, of New York, John Hitz, junior, Francis Wyatt, and defendant, the said Hitz and Wyatt being interested each in one-twentieth part; and of the remaining eighteen-twentieths, two-thirds were taken by the said Nathaniel Richards, and one-third by this defendant. That this purchase did not include the fee simple of the land, but only the purchase of the mining privilege. And this defendant further answers and says, that this defendant informed the said Nathaniel Richards, immediately after the said bargain, of what had been done. That the said Nathaniel Richards requested this defendant to forward the specimens that he had obtained from the said mine, and to furnish a description of the mine, its location, and the opinion of this defendant as to its location, quality, and promise. That defendant accordingly wrote the letter mentioned in the said bill of complaint, dated the 21st of January, one thousand eight hundred and thirty three, at which time this defendant had no intention or expectation of selling out his interest in the said mine. That the said letter contained a fair statement of the facts, as they have come under the observation of this defendant, and the opinions of this defendant, as they were honestly and fairly formed, on a view of the facts.

And this defendant further answers and says, that, after the purchase of the mining privileges, as aforesaid, he directed the pits and shafts that have been made and used at the said mine, before and at the time of this defendant's visit, to be covered up to prevent depredations, and which pits or shafts this defendant believes were not opened until some time after the sale made by this defendant to the complainant and others, in the month of June last.

And this defendant further says, that from the examination made as aforesaid, in the month of December, one thousand eight hundred and thirty two, until the time of the purchase by the said complainant, he was not at the said mine, nor had any information that the same was different or otherwise than as defendant had represented, and believed in all his communications on the subject.

And this defendant further answers and says, that in the month of February, one thousand eight hundred and thirty three, at the instance of Mr. Nathaniel Richards, he purchased from Messrs. Hitz and Wyatt, their interest in the said Goochland mine. That such purchase was made on account of the said Nathaniel Richards and this defendant, whereby the said Nathaniel Richards became possessed of two-thirds of the mining privilege, and the remaining one-third of the mining privilege by this defendant. And this defendant further answers and says, that subsequently and in the month of April, in the year one thousand eight hundred and thirty three, the said Nathaniel Richards and this defendant purchased the fee simple of the land on which the said mine was located; and also one hundred acres of land adjoining the same, in fee simple: the said Nathaniel Richards being interested in both parcels to the extent of two-thirds, and this defendant being interested in the one-third of the whole. And this defendant further answers and says, that during the month of April, in the said year, the said Nathaniel Richards visited the said Goochland mine, and after a full and satisfactory examination of the loca-

tion, and after having an opportunity of a full inquiry concerning the supposed value of the said mine, purchased of this defendant, the one-sixth, or the one-half of this defendant's interest in the said two pieces of land in fee simple, as aforesaid.

And this defendant further answers and says, that afterwards, and in the month of May, the stock of the Virginia Mining Company rose to two hundred or two hundred and fifty dollars per share, and many persons became desirous to speculate largely in mining operations; that during this period Guy Richards, the complainant, Charles H. Richards and John L. Moffat, who subsequently became purchasers of the interest of this defendant in the said Goochland mine, arrived in Virginia and remained with this defendant at his residence in the neighborhood of the Orange mine, for about a week; that the said complainant and the said Charles N. Richards and John L. Moffat, as this defendant understood, had become largely interested in the Orange mine, which belonged to the Virginia Mining Company, and had speculated in mining stock to a considerable extent; and had made large profits by sales thereof at an advanced rate; that during this visit the said complainant and the said CharlesH. Richards and John L. Moffat were informed by this defendant that he and the said Nathaniel Richards were the owners of the Goochland mine, and which Goochland mine the said complainant, as well as the said Charles H. Richards and John L. Moffat, well knew by the information of all who had visited it and examined its specimens, and also by common report, to be a very rich and valuable mine; that the said Guy Richards and the said Charles H. Richards and John L. Moffat became very anxious to know the views of this defendant in relation to the said mine, and that defendant in answer to their inquiries, gave a full, frank, and honest opinion respecting the value of the said mine, so far as this defendant had been able to form opinions on the subject, from the examination he had made personally, and also from the information and opinions of others.

And this defendant further answering, says, that the said interview between the defendant and the said Guy Richards, Charles H. Richards, and John L. Moffat, the opinions, declarations, and statements of this defendant were all made with a perfect knowledge on the part of the said Charles H. Richards, Guy Richards and John L. Moffat, that the business of mining is always attended with hazard, and, as a matter of speculation, subject to many contingencies and chances, which may enhance the value of mining property or deteriorate the same; that the facts in reference to mining operations in South America and in the United States, were well known, as this defendant avers his belief to be, to the persens who became interested in the Goochland mine, before the purchase by them of an interest therein; and they well knew that in various instances great disappointment had been occasioned in the products and value of mines, which had, in the first instance, been esteemed as promising the most splendid results.

And this defendant further answering, says, that at the time of the aforesaid interview and conversation, last aforesaid, he had no expec-

owners in behalf of Nathaniel Richards, of New York, John Hitz, junior, Francis Wyatt, and defendant, the said Hitz and Wyatt being interested each in one-twentieth part; and of the remaining eighteen-twentieths, two-thirds were taken by the said Nathaniel Richards, and one-third by this defendant. That this purchase did not include the fee simple of the land, but only the purchase of the mining privilege. And this defendant further answers and says, that this defendant informed the said Nathaniel Richards, immediately after the said bargain, of what had been done. That the said Nathaniel Richards requested this defendant to forward the specimens that he had obtained from the said mine, and to furnish a description of the mine, its location, and the opinion of this defendant as to its location, quality, and promise. That defendant accordingly wrote the letter mentioned in the said bill of complaint, dated the 21st of January, one thousand eight hundred and thirty three, at which time this defendant had no intention or expectation of selling out his interest in the said mine. That the said letter contained a fair statement of the facts, as they have come under the observation of this defendant, and the opinions of this defendant, as they were honestly and fairly formed, on a view of the facts.

And this defendant further answers and says, that, after the purchase of the mining privileges, as aforesaid, he directed the pits and shafts that have been made and used at the said mine, before and at the time of this defendant's visit, to be covered up to prevent depredations, and which pits or shafts this defendant believes were not opened until some time after the sale made by this defendant to the complainant and others, in the month of June last.

And this defendant further says, that from the examination made as aforesaid, in the month of December, one thousand eight hundred and thirty two, until the time of the purchase by the said complainant, he was not at the said mine, nor had any information that the same was different or otherwise than as defendant had represented, and believed in all his communications on the subject.

And this defendant further answers and says, that in the month of February, one thousand eight hundred and thirty three, at the instance of Mr. Nathaniel Richards, he purchased from Messrs. Hitz and Wyatt, their interest in the said Goochland mine. That such purchase was made on account of the said Nathaniel Richards and this defendant, whereby the said Nathaniel Richards became possessed of two-thirds of the mining privilege, and the remaining one-third of the mining privilege by this defendant. And this defendant further answers and says, that subsequently and in the month of April, in the year one thousand eight hundred and thirty three, the said Nathaniel Richards and this defendant purchased the fee simple of the land on which the said mine was located; and also one hundred acres of land adjoining the same, in fee simple: the said Nathaniel Richards being interested in both parcels to the extent of two-thirds, and this defendant being interested in the one-third of the whole. And this defendant further answers and says, that during the month of April, in the said year, the said Nathaniel Richards visited the said Goochland mine, and after a full and satisfactory examination of the loca-

tion, and after having an opportunity of a full inquiry concerning the supposed value of the said mine, purchased of this defendant, the one-sixth, or the one-half of this defendant's interest in the said two pieces of land in fee simple, as aforesaid.

And this defendant further answers and says, that afterwards, and in the month of May, the stock of the Virginia Mining Company rose to two hundred or two hundred and fifty dollars per share, and many persons became desirous to speculate largely in mining operations; that during this period Guy Richards, the complainant, Charles H. Richards and John L. Moffat, who subsequently became purchasers of the interest of this defendant in the said Goochland mine, arrived in Virginia and remained with this defendant at his residence in the neighborhood of the Orange mine, for about a week; that the said complainant and the said Charles N. Richards and John L. Moffat, as this defendant understood, had become largely interested in the Orange mine, which belonged to the Virginia Mining Company, and had speculated in mining stock to a considerable extent; and had made large profits by sales thereof at an advanced rate; that during this visit the said complainant and the said CharlesH. Richards and John L. Moffat were informed by this defendant that he and the said Nathaniel Richards were the owners of the Goochland mine, and which Goochland mine the said complainant, as well as the said Charles H. Richards and John L. Moffat, well knew by the information of all who had visited it and examined its specimens, and also by common report, to be a very rich and valuable mine; that the said Guy Richards and the said Charles H. Richards and John L. Moffat became very anxious to know the views of this defendant in relation to the said mine, and that defendant in answer to their inquiries, gave a full, frank, and honest opinion respecting the value of the said mine, so far as this defendant had been able to form opinions on the subject, from the examination he had made personally, and also from the information and opinions of others.

And this defendant further answering, says, that the said interview between the defendant and the said Guy Richards, Charles H. Richards, and John L. Moffat, the opinions, declarations, and statements of this defendant were all made with a perfect knowledge on the part of the said Charles H. Richards, Guy Richards and John L. Moffat, that the business of mining is always attended with hazard, and, as a matter of speculation, subject to many contingencies and chances, which may enhance the value of mining property or deteriorate the same; that the facts in reference to mining operations in South America and in the United States, were well known, as this defendant avers his belief to be, to the persens who became interested in the Goochland mine, before the purchase by them of an interest therein; and they well knew that in various instances great disappointment had been occasioned in the products and value of mines, which had, in the first instance, been esteemed as promising the most splendid results.

And this defendant further answering, says, that at the time of the aforesaid interview and conversation, last aforesaid, he had no expec-

tation that the said Guy Richards, John L. Moffatt, or Charles H. Richards would become purchasers of any part of this defendant's interest in the said Goochland mine, this defendant having been negotiating with other persons for the sale of this defendant's interest in the said mine, at a price not less than that subsequently obtained from the complainant and others, who became purchasers thereof at a subsequent period, and in the manner hereinafter stated.

And this defendant further answering, says, that it having been stated to the said Guy Richards, Charles H. Richards, and John L. Moffat, or some one of them, that this defendant was negotiating for the sale of his interest in the said Goochland mine, it was suggested by some of them, but which in particular this defendant is unable to say, that Mr. Nathaniel Richards being already the owner of so large an interest, would probably desire to have the privilege to purchase at the price asked by this defendant, being the sum of forty-five thousand dollars; that the said Guy Richards, Charles H. Richards, and John L. Moffatt expressed their belief to this defendant that Nathaniel Richards would purchase this defendant's interest in the sum of forty five thousand dollars; that this defendant informed the said Guy Richards, Charles H. Richards, and John L. Moffat that he would offer Mr. Nathaniel Richards the opportunity of purchasing this defendant's interest at the price asked, and that if he refused, this defendant would sell his interest to them, the said Guy Richards, Charles H. Richards, and John L. Moffat.

And this defendant further answers, and says, that soon after this conversation, the said Guy Richards, Charles H. Richards, and John L. Moffat returned to the city of New York, that this defendant wrote to the said Nathaniel Richards, informing him of his intention to dispose of his interest in the said mine, and offered to sell it to him for the sum of forty-five thousand dollars. That the said Nathaniel Richards declined making the purchase of this defendant's interest; whereupon, this defendant wrote to Charles H. Richards that the said Nathaniel Richards had declined the purchase, and that this defendant as he had promised, now offered to sell defendant's interest in the said mine, at the said sum of forty-five thousand dollars.

And this defendant further answers, and says, that the correspondence with the said Charles H. Richards, referred to and mentioned in the said bill of complaint, thus commenced in relation to the purchase of the interest of this defendant in the said Goochland mine.

And he further answers, and says, that the following is a true copy of the answer given by the said Charles H. Richards to the letter of this defendant, written to the said Charles H. Richards, as aforesaid, the original of which being now in the possession of this defendant, and ready to be produced to this honorable court.

NEW YORK, *June* 18*th*, 1833.

To Wm. K. Smith, Esq.

DEAR SIR: Referring you to my previous letter, I now have to reply to yours of 11th inst., the contents of which have been duly

noted by Messrs. Wilmarth, Moffat and Curtis, Mr. Wilder, Mr. Howard, Geo. and Guy Richards and myself. That Nat. Richards should have declined the purchase of the remaining one-sixth of the Goochland mine at $45,000, none of us marvel at, when we know from *your honor*, (as an Irishman would say,) that he was owner of 2-3 of the same for $10,000, and 1-2 the remaining 1-3 for 15,000. But after all, the above named gentlemen had seen your letter, we concluded, at any rate, we would look at the samples of ore, and have done so, and your letter describing the premises to N. R., he read to us. The ore is rich beyond dispute, but how much there is of it, remains to be seen. In regard to the extent of the mine, and its richness, we must, of course, rely on your judgment. The only persons among those named who expressed a decided willingness to make the purchase at any price, are Mr. Wilder, Guy, and myself, but we dont feel inclined to give, $45,000. If you are disposed to put it in at double what Nat. gave you for 1-6, that is, thirty thousand dollars, payable as follows, viz: one-quarter in cash, one-quarter in four months, one-quarter in six months, and one-quarter in nine months, deducting one-seventh for yourself, I will make the purchase in the name of us three, that is, Mr. Wilder, Guy, and myself, and will offer 1-7 to Geo. Richards, 1-7 to Mr. Howard, and 1-7 to Messrs. W. Moffett & Curtis; such credit to be allowed to the last named gentleman as may be agreed on between you, and such parts as may be declined by others, Mr. Wilder and Guy will take, and perhaps myself.

If you conclude to accept of this offer, please inform me immediately, when I will call upon the rest, and if they come in, I will forward you the list of names to be included in the conveyance, in the receipt of which you can draw on each for his respective share, as agreed on. According to your letter there is 1-6 of 456 acres, in which the mine is included, and 1-3 of 100 acres adjoining. Nat. says only 1-6 of the 100 acres.

Yr's, respectively,

CHA'S. H. RICHARDS.

P. S. Since my letter was written, Mr. Wilder informs me he has had a conversation with your brother Benjamin, and made a conditional engagement to take him in, that is, if it should prove a good thing; but Benjamin will write to you about that matter. If you sell, there will be, if all take, 8 parties. B. will have an 1-8 at any rate.

And this defendant further answers, and says, that in answer to the said letter of the said Charles H. Richards, last aforesaid, this defendant, according to the best of his recollection and belief, declined selling this defendan'ts interest in the said mine, on the terms proposed by the said Charles H. Richards, in behalf of Wilmarth, Moffat and Curtis, the said George and Guy Richards, the said Charles H. Richards and others; that thereupon the said Charles H. Richards, acting in behalf of the said complainant, and others, as aforesaid, addressed another letter to this defendant, under date of June 22d, 1833, and in which

among other things, in reply to this defendant's letter, the said Charles H. Richards used the following expression.

"Judging from your letter, I do not expect your will take our offer for the one-sixth of the Goochland mine; well then, we shall lose the pig and poke too, and starve, and your grow fat."

And this defendant further answering, and says, that before the receipt of the letter last mentioned, this defendant had addressed another letter to the said Charles H. Richards, under date of the 21st of June, 1833, in which, according to the recollection and belief of this defendant, not having a copy of the said letter, he requested an immediate answer, whether the said Charles H. Richards, the said complainant, and the other persons before mentioned, intended to make the purchase of this defendant's interest at the said sum of forty-five thousand dollars, or words to that effect; that the said Charles H. Richards, in reply to that letter last aforesaid, wrote to this defendant under date of June 24th, 1833, which said original letter, now in the possession of this defendant, and ready to be produced to this honorable court, is as follows:

NEW YORK, *24th June*, 1833.

DEAR SIR: Your letter of the 21st instant is received; I have seen Mr Wilder, who has also read it. The rest of the gentlemen, named in a former letter, as probable partners, at thirty thousand dollars. I have not yet seen Mr. Wilder, however, suppose they, I will take an interest a $4,500; and that, as you require an answer by retun mail, I had better say you will take it on account of the whole number named before, and such portions as they decline we will shoulder; so you may consider your remaining one-sixth interest of the Goochland mine, and one-third or one-sixth (as the remaining interest in you may be) of the one hundred acres adjoining, as sold for forty-five thousand dollars, one-fourth cash, one-fourth in four months, one-fourth in six months, and one-fourth in nine months; and I will acquaint Nat. and when the names are made up to be included in the conveyance, he can make it out; deducting one-eighth for yourself, leaves $39,375 for us to pay.

Yours,

CHARLES H. RICHARDS.

To WM. K. SMITH, Esq.

And this defendant further answers and says, that, this defendant on the receipt of the last mentioned letters of the said Charles Richards, wrote in answer thereto, under date of the 27th of June, 1833, according to the belief of this defendant, accepting the offer of the said Charles H. Richards, as stated in his said letter, and confirming the sale of the one-sixth of the Goochland mine.

And this defendant further answering, says, that subsequently, and on or about the 12th day of July, in the year one thousand eight hundred and thirty-three, the said Nathaniel Richards, acting on be-

half of the said complainant and others, who had become purchasers of this defendant's interest as aforesaid, wrote to this defendant of and concerning the said Goochland mine; and which said letter contains, among other things, the following: "Your brother B. has, I presume, advised you that he takes the half of the remaining eighth that you are desirous to sell, and will account with you for that. My sons, or rather the firm of Steele, Wolcott, and Richards, claim the privilege of taking the remaining half, and you are at liberty to draw on them at three days' sight, for $703 13, at four months; for $703 12, at six months; for $703 10; and at nine months for $703 12. This will complete the sale of seven-eighths of your one-sixth interest in the two pieces of property at G——d. You, at any rate, my dear sir, have made a handsome operation out of that speculation. How myself and others, now interested, may do, is, of course, to be seen. I hope, of course, we may all do as well or much better even than you have; and if the vein, when struck, should prove to be epual to what it promised last fall, we shall all, doubtless, do well.

And this defendant further answers and says, that in reference to several subsequent letters, written by the said Nathaniel Richards to this defendant, in which dissatisfaction was expressed at the disappointment experienced in working the Goochland mine, and which this defendant thought contained some censures on him, in reference to the specimens which had been procured and forwarded by this defendant as aforesaid; he wrote to the said Nathaniel Richards, some time in the month of August, in the year one thousand eight hundred and thirty-three, and expressed his surprise and regret that any imputation should rest upon him, this defendant, in the minds of any of the persons who had become interested as purchasers of this defendant's interest in the said mine, or in words to this effect. That the said Nathaniel Richards, in answer to this defendant's letter, by a letter under date of the twenty-second day of August, one thousand eight hundred and thirty-three, replied, among things, as follows: I fear, my dear friend, that you feel somewhat hurt at my remarks in regard to the specimens from Goochland, in mine of the 12th, which I most sincerely regret. I had not the most distant idea, my dear sir, that my remarks would cause the least possible unpleasant feeling. I assure you, most sincerely, my dear sir, that there has never a thought past my mind, or that of any one else, as far as I have the means of judging, but that the specimens you sent me from the Goochland mine were exactly, in all respects, as there represented. I do assure you, that there is not an individual that knows you, that, for one moment, has ever indulged a thought that you were capable of making any statements that you did not believe to be correct; and rest assured that whatever may of the operations at G———d, that there will be no unkind thoughts of you. You sent the specimens as you found them, and you left me and others to judge of them for ourselves.

And this defendant further answers and says, that the said letter, last aforesaid, was written nearly three months after the purchasers

of this defendant's interest in the said mine, had become fully informed of the actual condition of the said mine, at Goochland, by various experiments and examinations therein. And this defendant denies all unlawful combination and confederacy in the said bill charged; without that, that any other matter or thing material or necessary for this defendant to make answer unto, and not herein or hereby well and sufficiently answered unto, confessed, or avoided, traversed, or denied, is true to the knowledge or belief of this defendant; all which matters and things this defendant is ready to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed with his reasonable costs and charges, in that behalf most wrongfully sustained.

W. K. SMITH.

H. MAXWELL,
Solicitor.
SAM'L G. RAYMOND,
of counsel.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

On this 18th day of January, in the year of our Lord one thousand eight hundred and thirty-four, William K. Smith, the defendant above named, was duly sworn before me, and deposed, that he had read the preceding answer, and knew the contents thereof, and that the same was true of his own knowledge, except, as to the matters which are therein stated to be on his information or belief, and as to those matters, he believes it to be true.

GEO. W. MORTON,
U. S. Com'r.

CIRCUIT COURT OF THE UNITED STATES,
For the southern district of New York, in the second circuit.

WILLIAM K. SMITH *ads.* GUY RICHARDS. } In equity.

THE SAME *ads.* GEORGE RICHARDS. }

THE SAME *ads.* JONATHAN WILMARTH, JOHN L. MOFFAT, and JOSEPH CURTIS. }

SIR: Please to take notice, that I intend to move this honorable oourt on Tuesday next, the 20th day of February, instant, at the opening of the court upon that day, or as soon thereafter as counsel can be heard, that the several ne exeats issued in each of the above

causes be discharged, and that the several injunctions issued therein, be dissolved; and that the motions will be founded on the answers of the defendant filed in each of the above causes, with copies of which you have been heretofore served.

Yours, &c.

H. MAXWELL,
Solicitor for defendants.

Dated NEW YORK, *February 20th*, 1834.

To D. P. HALL, Esq.
Solicitor for complainants.

February 25, 1834.

Mr. Hugh Maxwell reads and files notice and admission of service, and moves that the several writs of ne exeat, issued in each of the above causes be discharged; and that the several injunctions issued therein, be dissolved: and no person appearing to oppose said motion or to show any cause why the same should not be granted, the court ordered accordingly.

CIRCUIT COURT OF THE UNITED STATES,
For the Southern District of New York.

GUY RICHARDS
vs
WILLIAM K. SMITH. } In equity.

This repliant saving and reserving to himself all, and all manner of advantage of exception which may be had and taken to the manifold errors, uncertainties, and insufficiencies of the answer *of the answer* of the said defendants, for replications thereunto, saith, that he doth and will aver, maintain, and prove his said bill to be true, certain and sufficient in the law to be answered unto by the said defendant; and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto by the repliant, without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and herein, and hereby, well and sufficiently replied unto, confessed, or avoided, traversed, or denied, is true; all which matters and things this repliant is ready to aver, maintain, and prove, as this honorable court shall direct; and humbly prays, as in and by his said bill he hath already prayed.

DAVID P. HALL,
Solicitor for complainant.
J. PRESCOTT HALL,
of counsel.

December 13, 1836.

On motion of Mr. D. P. Hall, this cause came on to a hearing, whereupon the following proofs were read in evidence, by consent of the parties, to wit:

WILLIAM K. SMITH
vs.
GUY RICHARDS,

CIRCUIT COURT OF THE UNITED STATES,
For the Southern District of New York.

By virtue of a commission issued from the circuit court of the United States of America, for the southern district of New York, in the second circuit, bearing date the 16th day of May, 1834, addressed to Thomas B. Barton, Beverley R. Wellford, and John Chew, of Fredericksburg, Virginia, authorizing and requiring them, or any two of them, to take the depositions of such witnesses as might be produced before them, by either the complainant or defendant in a certain cause now pending, undetermined, in said court, wherein Guy Richards is complainant, and William K. Smith is defendant:—the parties met this 21st day of May, 1834, at the office of Thomas B. Barton in the said town of Fredericksburg, Virginia, present, commissioners Barton and Wellford, and the complainant and defendant with their respective counsel. The other named commissioner, John Chew, being absent, and his return uncertain, and Thomas B. Barton, declining to act, the parties litigant mutually agreed, that William F. Gray and Richard B. Maury, should be appointed in their stead, and as fully empowered to act, as though they had been originally named in the commission. See the agreement hereto annexed and marked A.

The commissioners then entered upon the business of their appointment. Present, B. R. Wellford and W. F. Gray.

Subpœnas were issued at the request of the complainant to the sheriffs of Goochland and Orange, returnable on Monday, the 26th instant, at the mayor's office, of Fredericksburg, for the attendance of the following witnesses, viz: John W. Payne, Buford Kirtley, John G. Davis, John M. Willis, ——— Stuart, Captain Gundley, and Churchill Gordon.

Subpœnas were issued at request of defendant to the sheriffs of Goochland, Louisa, Orange, and Fluvanna, returnable to the same day and place, for the attendance of the following witnesses, viz: D. W. K. Bowles, Joseph Hodson, Col. ——— Richardson, W. O. Payne, J. Jourdan, George W. Fisher, George W. Fisher, jun., Francis J. Wiatt, Benjamin Jenkins, H. B. Edwards, W. Beazley, and Melville N. Walton.

The execution of the above subpœnas was committed to W. Beazley, of Spotsylvania, one of the witnesses.

The board then adjourned to await the attendance of witnesses.

B. R. WELLFORD,
W. F. GRAY.

SATURDAY, *24th May*, 1834.

The commissioners met at the office of B. R. Wellford—Present,

R. B. Maury, } *Commissioners*,
W. F. Gray, }

and the plaintiff Guy Richards in person, and attended by counsel for plaintiffs, in the other suits referred to, in the commission, and the defendant Smith in person and by counsel.

The said defendant brought forward sundry witnesses, and among them, Francis J. Wiatt, who being duly sworn, answered the interrogations put to him, as follows, to wit:

Interrogatory 1st.

Answer. With Captain Smith I have had an acquaintance, growing out of the transactions connected with the Goochland mine. I had known him slightly for some time previously to those transactions, but not intimately until about the fall of 1832. Since then I have seen him frequently, and been well acquainted with him. I never saw Mr. Guy Richards but once, before this time, and that was at the Grasty mine, in Orange, last fall—say in November, 1833.

Interrogatory 2nd.

Answer. In the month of October, 1832, I first heard of the existence of this Goochland mine—and acting as agent for a company in Fredericksburg, I was induced to visit it—and finding it very promising I suggested to the company the leasing or purchasing of it by some means. Not being enabled to induce the company to take it, I suggested to Mr. Hitz, who was then at work at the Orange mine, to give a description of it to Captain Smith, and to advise his examination of it. At the instance of Captain Smith, Mr. Hitz and myself then went to examine it, and, we were so well pleased with the prospect as to recommend his purchasing of it: and, afterwards, Captain Smith, Mr. Hitz, and myself visited it together, and Captain Smith ultimately purchased it; allowing Mr. Hitz and myself to purchase an interest in it, say one-fourteenth each. I think this transaction was in the month of December, 1832. The elder Hitz was also with us at the mine, at the time the purchase was made.

Whilst I was at Colonel Bowles' writing the contract, the Messrs. Hitz were at the last pit that was dug, getting specimens of the ore from the vein. We each returned towards home that evening, and that is the last time I was at the mine. My impression was that the mine was a very rich one.

I have seen rich specimens of slaty, decomposed substances, having gold in them, taken out of what I considered to be the vein. I have seen pansful of it washed, and yielding a considerable quantity of gold. It was generally estimated and reputed throughout the section of the country in which I live, to be very rich. I sold my interest in it to Captain Smith, in, I think, February, 1833, after which I do not recollect to have heard any thing new in relation to it. I would say that the general character of the richness of the vein given

in the paper marked A, is correct, but as to the particulars of size, &c., I am not sufficiently informed to say.

Interrogatory 3d.

Answer. First clause answered above. I made the sale of my interest to Captain Smith more from a want of money than from a wish to part with the property. The property of the mine, was held by seven parties, previous to Captain Smith's purchase. The land was owned by William Moss, alone. The owners of the mine were Colonel Bowles, ——— Hodson, George W. Fisher, sen., George Fisher, jun., William Moss, and his two sons. Previous to Captain Smith's purchase there had been several pits dug, in which, what I considered the vein existed. The works I supposed were carried on by the above named owners, under the superintendence of George Fisher, sen. The pits were dug in an old field, near a branch, corresponding, I think, with the place (marked thus " " ") on the map marked B, called thereon, " Points of Operation." I cannot tell what the products of gold in those examinations were. I cannot tell any thing of the value of the gold! Mr. Hitz who accompanied me, and who I judge to be a skilful miner, expressed a very favorable opinion in relation to the mine, which made me the more sanguine in my expectations. There were two offers made for the mine; one before and the other after Smith's purchase. The precise amount I do not recollect, but they were considerable. One of the offerers I understood would have given more than Smith did; but I do not know how much more.

Interrogatory 4th.

Answer. I have already stated in my previous answers, all that I know of the matters in this interrogatory.

Interrogatory 5th.

Answer. I know nothing about the matters in the fifth interrogatory.

Interrogatore 6th.

Answer. I do not feel competent to answer any interrogatory, under the sixth head. This is the first time I have seen the plate marked B.

Last Interrogatory.

Answer. I recollect nothing more that is material.

The following additional interrogatories were put by defendant, by agreement of the parties. See agreement hereto annexed, marked A.

Additional Interrogatory 1st.

How many times did you visit the Goochland mine, and with whom?

Answer. I have been there four or five times—twice with Captain Bronaugh—two or three times with Mr. Hitz; and I think, Captain Smith was with me twice. I think both of the Hitzes were with me when Captain Smith accompanied me. Mr. Jenkins, and Mr. Mansfield, were also there with me.

Additional Interrogatory 2d.

Did you, or did you not, see ore washed, which was taken from the different pits before the purchase by Captain Smith, yourself, and others? If so, say whether or not, it was rich in gold; and what was the opinion generally entertained at that time, of the value of said mine?

Answer. I did see one washed from several of the pits, which I considered to be very rich. It was generally considered very valuable, and as far as I could know, it was universally considered so, and there were many persons, I understood, very anxious to become interested in the mine, by purchase or otherwise.

Additional Interrogatory 3rd.

Did, or did not Captain Smith, Mr. Hitz, and yourself, prior to the purchase of said mine, confer together, as to the propriety of sinking a new shaft or pit? If so, state whether or not a new shaft or pit was sunk, and whether or not any gold was found in the new pit?

Answer. We did, and there was a new pit sunk. That pit was a test, and the result of that pit was to decide the purchase. Captain Smith agreed to pay the expense of sinking the pit. I understood that they commenced digging it the very evening that we left there. After going down twelve feet, it became so rich that they sent a messenger to my house to inform me of it. I notified Captain Smith of it; and he, Mr. Hitz, and myself, proceeded on to Goochland soon after. At that trip the contract was made. I think that was the last time that I was there.

Additional Interrogatory 4th.

You have stated that after sinking the shaft, or pit, twelve feet, the ore became so rich that a messenger was sent to your house to inform you of it; and that you notified Captain Smith of it, and that he, Mr. Hitz, and yourself, went to the said mine soon after. Now state whether or not, upon your and their getting there, you made an examination of the new pit, and if so, what was the result of your examination?

Answer. I think Messrs. Hitz made the examination and found the vein as wwa represented. I did not go down into the pit myself; I elt satisfied with their examination and their opinions.

Additional Interrogatory 5th.

Were you present at the new pit when the Messrs. Hitz made the examination to which you have adverted?

Answer. Yes, I was there at the time—at and about the pit.

(At three quarters after four o'clock, P. M. Commissioner B. R. Wellford took his seat, and united with the other commissioners.)

Additional Interrogatory 6th.

You have stated in your general answer to the second interrogatory, that you do not recollect to have heard any thing new in relation to said mine, after you sold your interest to Captain Smith. Will you state whether or not all of the pits were filled up by the direction of Captain Smith, and whether or not all operations were not suspended from that time?

Answer. I did hear that Captain Smith had ordered the pits to be filled up and operations to cease; but whether it was before or after my sale to him, I do not recollect.

Examination of Francis J. Wiatt on the part of complainant.

Cross Interrogatory 1st.

Answer. The statements in letter A, (dated January 21st, 1833,) in lines 3, 4, 5—8 to fourteen inclusive—22, 23, 25, 30, 32, 33, 34, 35, 52, 53, 54, are true and fair statements; of the remainder I am ignorant.

Cross Interrogatory 2nd.

Answer. I was never there after December, 1832. I then believed there were very rich veins, but of their extent I am ignorant.

Cross Interrogatory 3d.

Answer. I do not know the technical meaning of vein among miners and geolists. What I understand by the term is regular formations of substances, having gold in them, running in bodies or threads through the earth.

Cross Interrogatory 4th.

Answer. Cannot answer.

Cross Interrogatory 5th.

Answer. I know that there are four or five pits sunk on the vein. The extreme ones are, I suppose, about one hundred feet apart.

Cross Interrogatory 6th.

Answer. The substances got out of the pits, that I conceived to be in the vein, were rich. I know nothing about their richness, compared to other veins.

Cross Interrogatory 7th.

Answer. I am not acquainted with the quality of the gold. I know nothing of its having been assayed.

Cross Interrogatory 8th.

Answer. I should suppose the location would be favorable to mining. There are, I believe, some rich deposites on the branch. By rich, I mean it would yield a handsome profit, by the ordinary washing operations.

Cross Interrogatory 9th.

Answer. I have no *personal knowledge* of what would be its actual yield. I believe it would pay well by operating.

The examination was then suspended, and the commissioners adjourned, to meet on Monday next, at 8 o'clock, A. M.

BEVERLEY R. WELLFORD.
W. F. GRAY.
R. B. MAURY.

Witnesses in attendance this day:
FRANCIS J. WIATT.
THOMAS BRONAUGH.
BENJAMIN JENKINS.

MONDAY, *May 26th*, 1834.

The parties met, pursuant to adjournment.

Present: Commissioners R. B. Wellford, W. F. Gray, and R. B. Maury, and the parties, attended by their counsel, as before.

The examination of F. J. Wiatt was continued.

Cross Interrogatory 10th.

Answer. I never was there after December, 1832; but at the time I was there, I considered it very flattering. By flattering prospects, I mean, that it would be profitable to work it.

Cross Interrogatory 11th.

Answer. I never was in the pits, to make a particular examinaon m yself, but frequently saw others bring up pansful of the sub-

stances, that washed very flatteringly, which is as far as I can answer this interrogatory, as I suppose what I have heard is not positive testimony.

Cross Interrogatory 12th.

Answer. I have already stated that I never was at the Goochland mine after December, 1832; at which time I thought it very valuable. As to the actual value of the Goochland mine now, I, of course, have no personal means of judging.

Cross Interrogatory 13th.

Answer. The answer to cross interrogatory 12th, applies to the first clause of this; I know nothing of the vein subsequent to December, 1832, and therefore cannot speak as to the expense of operating; but I thought, at that time, that it would pay well for operating, as I said before.

Cross Interrogatory 14th.

Answer. Of the substance of the whole interrogatory, I am ignorant.

Cross Interrogatory 15th.

Answer. I have seen ore raised from the pits that would yield in that proportion at least.

Cross Interrogatory 16th.

Answer. I cannot say any thing about its comparative value.

By request of the parties, the examination was here suspended, and the board adjourned, to meet at 5 o'clock, P. M.

BEVERLEY R. WELLFORD.
W. F. GRAY.
R. B. MAURY.

At 5 o'clock, P. M. the board met, pursuant to adjournment, but the parties not being in readiness to proceed with the examination, the board adjourned until to-morrow.

B. R. WELFORD.
W. F. GRAY.
R. B. MAURY.

Witnesses in attendance this day:
FRANCIS J. WIATT, and
THOMAS BRONAUGH.

TUESDAY, *May 27th*, 1834.

The board met, pursuant to adjournment.

Present: Commissioners Beverley R. Wellford, R. B. Maury, and Wm. F. Gray, and the parties litigant, attended by their respective counsel.

The subpœnas issued on the 21st inst. were returned, executed on Jos. Hodson, D. W. K. Bowles, F. J. Wiatt, Benj. Jenkins, Thos. Bronaugh, H. B. Edwards, Geo. W. Fisher, senior, G. W. Fisher, junior, G. W. Richardson, Wm. O. Payne, Buford Kirtley, John W. Payne, and J. G. Davis.

The parties litigant having under consideration a proposition made yesterday by the complainant, for a reference of all the matters in dispute between them to arbitration, and the formal agreement thereto not having been arranged, at their request the board adjourned until 3 o'clock, P. M.

BEVERLEY R. WELLFORD.
W. F. GRAY.
R. B. MAURY.

3 *o'clock, P. M. May 27th*, 1834.

The board met, pursuant to adjournment.

Present: all the commissioners, and the parties litigant, attended by their counsel.

An agreement to submit this cause and others to the arbitrament of the acting commissioners, was submitted, and agreed to, and signed by the parties, in the words following, to wit:

It is mutually agreed, by and between Guy Richards and George Richards, as well for themselves as for Francis Allyn, Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, of the one part, and William K. Smith, of the other part; that all matters of controversy involved in the following suits, pending in the circuit court of the United States, for the southern district of New York, in the second circuit, viz: in which Guy Richards is complainant, against William K. Smith, defendant; and George Richards is complainant, vs. William K. Smith, defendant; and Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, are complainants, vs. William K. Smith, defendant; and William K. Smith is plaintiff, vs. Guy Richards, defendant; and the same plaintiff, vs. Francis Allyn, defendant; and the same plaintiff, vs. George Richards, defendant. Also, in the suit depending in the vice chancellor's court, in the first circuit, in the State of New York, in which Francis Allyn is complainant, and William K. Smith, defendant, be referred and submitted to the arbitrament, final end, and determination of Beverley R. Wellford, Richard B. Maury, and William F. Gray, arbitrators, elected by the said parties, so as the said arbitrators do make and publish their award in writing, ready to be delivered to the said parties, respectively, or such of them as

shall desire the same, on or before the first day of September next. And it is further agreed, that the several awards of the said arbitrators in the premises, shall be entered as the judgments and decrees of the court, in the several causes in which the subject matter of such award is depending. And the said Guy Richards, George Richards, and William K. Smith, respectively, bind themselves, and their respective heirs, to abide by, and perform such awards in all things which may be awarded against them, respectively. And it is further agreed, that the said arbitrators may proceed, forthwith, to examine such witnesses as may be offered, on the part of any of the parties to the said suits; and after completing such examination, that they adjourn, to meet again on the 21st day of July next, at which time all the parties are to be considered as duly notified to attend before them. And it is further agreed, that the depositions of any witnesses in the city of New York, may be read in evidence, if taken on reasonable notice to the adverse party; and that when such depositions shall be taken, on the part of the said William K. Smith, such notice to the said Guy Richards shall be deemed sufficient as to all the other parties. And that said Guy Richards and George Richards undertake and stipulate, that the said Francis Allyn, Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, shall ratify and confirm this agreement on their part.

In witness whereof, the said Guy Richards, George Richards, and William K. Smith, have hereto set their hands and seals, this 26th day of May, 1834.

GUY RICHARDS.
GEORGE RICHARDS.
WILLIAM K. SMITH.

The taking of further testimony, under the commission, being, by the foregoing agreement, rendered unnecessary, with the assent and approbation of the parties present, the proceedings of the commissioners, as such, were here closed.

BEVERLEY R. WELLFORD.
W. F. GRAY.
R. B. MAURY.

Witnesses in attendance this day:
JOHN HITZ, Senior, and
JOHN HITZ, Junior, and
WILLIAM BEASLEY.

PROCEEDINGS OF THE ARBITRATORS.

FREDERICKSBURG, *May 27th*, 1834.

Tuesday afternoon.

By authority, and in pursuance of articles of agreement [see auto. page 11] filed herewith, and marked B, between Guy Richards and

George Richards, of New York city, for themselves, and for and on behalf of Francis Allyn, Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, of the one part, and William K. Smith, of Fredericksburg, Va. of the other part, to submit all the matters in controversy between them, in certain suits, therein named, now pending undetermined in the circuit court of the United States, for the southern district of New York, in the second circuit, to the arbitrament of Beverley R. Wellford, Richard B. Maury, and William F. Gray; the above named arbitrators having met at the office of B. R. Wellford, in the town of Fredericksburg, aforesaid, on the 27th day of May, 1834, and the complainants, Guy Richards and George Richards, and the defendant, William K. Smith, being present, attended by their respective counsel.

John Hitz, junior, a witness on the part of defendant, was brought forward, who, being duly sworn, deposed and said, that he is a native of Switzerland, in Europe; is thirty-six years old; has been in the United States three years, less two months; a miner, by profession, having been mostly bred to that profession in Europe; has been acquainted with the defendant, Smith, since September, 1832; is acquainted with the complainant, Guy Richards; has known him about a year. He first heard of the Goochland mine in October, 1832.

The examination of the witness was here, at the suggestion of one of the complainants, and with the assent of the defendant, suspended, to enable him to go to his home, in Orange county, and get a diary, which he habitually keeps, that, by its help, he may speak accurately, as to dates, &c.

The board then adjourned until to-morrow, at 10 o'clock, A. M.

WEDNESDAY, *May 28th*, 1834.

The board met pursuant to adjournment. Present, all the arbitrators, the plaintiffs, Guy and George Richards, and defendant Smith, attended by their counsel.

The examination of John Hitz, junior, was continued—the witness referring to his written diary, said—

On the 15th of October, 1832, I was making some experiments of the Fauquier ore, from Stringfellows—some gentleman, Jenkins, Bronaugh and others came to Mr. Wiatt's where *I* then was, and told me of a very rich mine which had been found in Goochland. Bronaugh told me there was a vein two and a half or three feet wide. On the 17th I went there, Mr. Wiatt went with me. It is about thirty miles from Wiatt's. Mr. Fisher and his son were there. I found the vein had the same course as the other veins in this conntry, viz: N. E. and S. W. or rather N. N. E. and S. S. W. Some of the spots in the pit very rich, some very poor; no medium quality. The rock in which the gold is found is very soft, wood plenty; water scarce. The formation in which the veins run, is seinitz rock, (which is a composition of Hornblend and Feldspar) intermixed with mica slate and clay slate, and with stripes of quartz, and substances impregnated with iron. The surface has some portion of talco slate.

The width of the vein was about one foot—very rich. On both sides, of the vein very little gold. Where I first examined, the pit was dug about twenty feet, I reckon; width, suppose about four feet, perhaps more. The length ten or twelve feet across the vein. Examined the vein crosswise. The above were my impressions on that VERY DAY. I made several trials as I went along, taking a panful at a time, from every part of the formation. The above is the result of the experiments. The work that had been done seemed to have been badly managed. I brought some of the ore away with me. Mr. Wiatt and myself went to see if we could make any arrangement with the owners, but found their estimate of its value too extravagant. They asked $300 or $400 for a half share; and I think there were about eight shares; of this number not positive. We made this examination on the part of the North American Company, in which we were interested. We concluded that our company could do nothing with it at the price demanded, although the place was very interesting. We left there on the 19th, and returned home.

On the 23d of October, I went with Mr. Wiatt to Grasty's (the Virginia Mining Company's mine in Orange) I was then on my way to Fredericksburg, on business for the Northanna company, and went by Grasty's to see Captain Smith about a stamping machine, that we had before talked of erecting. Captain Smith was not at home. He was at Whitehall, in Spotsylvania. Mr. Wiatt and myself went to Whitehall, and there saw Captain Smith and also Mr. Nathaniel Richards. I said nothing to Captain Smith or Mr. Richards about the Goochland mine on this occasion; intending to keep that a secret for the benefit of my own company, if they should choose to purchase in it. On this occasion, I engaged with Captain Smith and Mr. Richards to serve them six months, if I could get released from my engagement with my own company for that time. On seeing some of the members of my company I mentioned to them the Goochland mine, and endeavored to get them to engage in it; but they did not seem to be anxious about it—the means of the company not enabling them to engage in it. The Northanna company agreed to let me off from my engagement to them for six months, provided I would after that return, and erect a stamping mill for them at Stringfellow's, where they were operating, if they should then deem it necessary.

On the 26th, I went with my father to Grasty's, and on the 27th concluded my engagement with Captain Smith and Mr. R. for a service of six months. On the 28th, Sunday, saw S. and R. again. On the 29th returned home. I then lived at Twyman's store.

On the 1st November, went to the Goochland mine again in company with Mr Gardner and my wife. Mr. Wiatt was there at the same time—dont recollect whether they went in company or not. I think no farther experiments were made on this visit. We went to view the place, and endeavor to come on terms with the proprietorss. Could not agree to their terms. They did not want to sell, but wished us to go into partnership with them and work on shares, which we did not like to do. They had the property on lease. They asked us $3,500, to be paid in ninety days, for one half their interest. The members

of the company were not in harmony with each other; and I did not like the partnership.

On the 5th, I again went to Orange mine on the business of my engagement there. On the 13th, I mentioned the Goochland mine to Captain Smith for the first time, and showed him some specimens of the ore; Mr. Wiatt was present. The specimens were very rich, and I having a favorable opinion of the place, told him so, and that I thought it a valuable place and worth purchasing. We wished Captain Smith to unite with us in forming a new company to purchase it. Captain Smith having confidence in my judgment suggested that Wiatt and myself should go again to Goochland and ascertain what terms could be made for the purchase of the place. We thought if Captain Smith went, the hopes of the proprietors would be too much excited, and they would demand an exorbitant price. On the 19th Wiatt and myself went again too Goochland. The pit was filled with water from rain. On the 20th we made a conditional contract with the owners for $1,000 a share—two of the members Col. Bowles and Mr. Hodgson not willing to sell, they wishing to retain their interest. This gave me a higher opinion of the value of the place. I think my father was with me at this time, as I have noted in my diary that he advised we should not omit the opportunity of getting the place. On the 21st we returned home. On the 27th I went with Captain Smith to Mr. Wiatt's, on our way to the Goochland mine. Mr. Wiatt, my father, and other gentlemen were at the mine with us. The pit was still full of water. The pit had been enlarged about five or six feet lengthwise. And also at right angles in direction of the vein, about six or eight feet from the vein that I originally examined. This new cut was about six feet deep and thirty feet long, as near as I can judge; but owing to the water in it, I could not get a view of the face of the vein that was supposed to be there; but several pansful were taken out and washed in my presence. The result was a good yield, but not so good as that previously taken from the vein first examined. It satisfied me that it was vein and not surface gold. The operators supposed it to be the same vein as that originally opened. I thought otherwise, although in same formation. Some of the washings were very poor.

These results not being satisfactory and the works being irregular, and the titles to the works so confused, we determined, before purchasing, to make another trial by sinking another pit. We therefore gave directions for sinking another pit, about sixty feet higher up the hill, N. E. on the course of the vein, so as to strike the supposed angle of the vein about fifteen or twenty feet below the surface. This pit was to be sunk at our expense. We were willing to incur the expense for the sake of a farther experiment, before venturing on a purchase. For the privilege of sinking this pit we agreed to give $100 per share more than the price previously asked, if it proved satisfactory. This pit was one hundred feet from the South West end of the opening on the vein; the openings were irregular, more like a ditch on the line of the vein than pits. On the evening of the 29th we left the mine for home.

On the 3d of December, a great account came on that they had sunk this pit, and found the vein very rich, therefore, we concluded to return there immediately. We, Captain Smith, Mr. W. and myself went on the 5th and slept that night at Col. Bowles'. On the 6th (we went to the mine. There were a good many people there. The share holders were sent for, and I believe almost all of them came. Some washings, two or three pansful, were made from the new pit—very good washings. I went into the pit, which was only twelve feet deep. We then agreed to give $1,100 per share to each share-holder, except Bowles and Hodgson, who got more. On the 7th the contract was concluded. While Messrs. S. and W. were arranging the writings, my father and myself, and two negro boys, went down into the pit, to clear it out and get some specimens to carry away with us.) The pit had been sunk a little too much on one side of the vein. It was not struck fairly. From what I saw of the vein, it had the same general character of that first examined—perhaps rather more of clay slate than the other. I took up several pansful and washed it cautiously, pouring off the water slowly to avoid breaking the pieces. My object was to wash out the earth and mud which had got mixed with it (it having rained and snowed very hard) and preserve, as far as possible, the original character of the ore, with the gold in it. Captain Smith directed me to get it out, without reducing, just as taken from the vein. I only partially reduced one panful, so as to get a view of the gold in it, which satisfied me. I put the whole, say about forty pounds, in a bag and carried it to Col. Bowles'. The next daw we went home. The ore was carried to Grasty's, and left with Captain Smith.

On 11th December, Mr. Walton being at Grasty's, he and Captain Smith examined the ore in my presence, and found it much richer than I expected, considering the condition it was in when taken from the pit; but not richer than that taken from the other pit, when I first visited the mine. I was more encouraged by this examination than I had hitherto been. The ore was a fair average sample of the ore found in the pit. The appearances in the vein indicated a permanent and continued vein. If they had not, I would not have wished to be interested in it. The last examination confirmed my first favorable impressions, and I still retain them. I was very sorry to part with my interest in it. If it belonged to me now, it should not rest as it does. I would examine it farther, perhaps in a different way. By arrangements with Captain Smith when he purchased the mine, Mr. Wiatt and myself were each to have an interest in it, equal to one-half of an original share. Captain Smith paid for me $500 for my half share. My reason for parting with it was that I was very anxious to get some money. Another reason was, that if we had gone on to work the mine, as I was told, the company would, it would have required an advance of money, which I was unable to make. Captain Smith gave me $1000, for my interest (on the 4th of February 1833) over and above the $500 which he had paid for me when he purchased of the company in Goochland.

Letter A being read to the witness, by the counsel for defendant.

Does that letter contain a far and correct representation of the Goochland mine, as it was known and believed to be at the time the letter was written?

Answer. I can see nothing which could not be said with truth. There is one point with which I was struck at first. "There is ore from this mine that will without doubt give several hundred penny-weights of gold to the 100 pounds." I have no doubt there is such ore in the mine, but I do not know what quantity. I have seen ore taken from that place that I thought was nearly one-third or one-fourth gold. I do not doubt that some of the gold that I took out would produce the quantity stated in the letter. I had not, when I viewed it, formed a less favorable opinion of the mine than is given in that letter.

Here the examination of Mr. J. H. junior, was suspended, in order to take the deposition of Mr. Hitz, senior, who being under a pressing necessity to return home, was very anxious to have his examination concluded to night, it being then seven o'clock, P. M.

John Hitz, senior, a witness for defendant, was produced, and being sworn and examined, deposed and said: He is a native of Switzerland, a miner by profession, 62 years of age; has received a diploma for his skill as a miner from the government of the Canton of Giesson.

I heard first from Mr. Wiatt of a very rich mine in Goochland, in presence of my son. This was in the fall of 1832. My son, at the request of Mr. Wiatt, I think, went with him to Goochland. The report of my son, when he returned, was, that he had seen very good evidence of a rich mine. I afterwards visited it with Captain Smith, my son, Mr. Wiatt, and some other gentlemen, during the same fall. As far as I could examine the vein of the mine, I was under the impression that it would turn out a very good mine. Remained there two or three days—do not recollect exactly how long. I visited the mine again with Captain Smith, Mr. Wiatt and my son, the same fall—do not recollect exactly the time. My second examination confirmed the favorable opinion I had received from the first. It had a reputation before that of being very rich. On my first visit the mine had been opened, I think, some seventy or eighty feet. On my second visit they had sunk another shaft or pit about twenty-five or thirty feet from the first—about thirteen or fourteen feet deep—width not recollected. I did not see the vein in the first pit. In the second, I saw the vein on both sides of the pit. The vein was about one foot wide and consisted of little strips or threads. These threads consisted of quartz, interspersed with mica slate and decomposed sulphuret of iron. I saw washings from this pit and also from the pit at the other extremity. The ore taken from the vein was very rich—I never have seen such rich washings as those at the new pit. (By developing a vein is usually understood in this country, digging pits into it at intervals.) Those from the other extremity, were not so good. The pit or ditch at the other, or S. W. extremity, was opened at my request, to see whether or not the vein continued. It was continuous. I cannot tell exactly the distance from the extremities of the openings. I suppose it one hundred or one hundred and ten feet. The appear-

ances at both ends were the same. Captain Smith requested myself and my son to go to the new shaft and take out some ore to carry home. My son and myself and a negro boy, went to the pit and obtained, I think, about half a bushel, which we carried away. I did not see this ore washed, it was carried to Orange, but I thought it very rich. When taken from the mine it was very muddy, there is always water in the pits, and there had, I think, recently been rain. We put it into a bucket of water to wash off the mud, cautiously, but without reducing the ore. Our object was merely to separate from it the extraneous mud, and bring it to the state it would have been in if dry. There was none taken out at that time that was more reduced, that I know of. (B.) It was certainly my opinion from the examination that I made, that it could be profitably worked. My impression was, that the vein would extend very far.

Letter marked A, dated January 21, 1833, being read to the witness, he was asked if he understood it.

Answer. I do not understand all the words, but I think I understand what is said about the prospects; and that is all true; there is not said a word too much; the prospects were most flattering.

Cross examined by complainant. A pencil sketch of the vein, and the water-course crossing it having been made, the several locations of the openings were marked, for convenience of reference, and the witness being questioned, said, the proof-pit A, or last pit dug, was at the N. E. extremity of the openings. Pit B, is at the other extremity. Pit C, is on the intermediate vein.

Pit A, is five feet with the vein, six or eight across, and twelve to fourteen deep. Trench or Pit B, four feet with the vein and three across, about three or four feet deep. Pit C, has always been filled with water; I cannot tell its depth; it is perhaps ten or twelve feet long, and perhaps six or seven feet across, perhaps more, I cannot tell. There are several other excavations along the vein, which I slightly examined on the top, and they presented the same character as the others. They are not distinct pits, but rather continuous openings—knows nothing of their dimensions. Went over the whole length of the works, but made no particular examination. The last time I was there, there had been an attempt made to clean out the works, but imperfectly. What I saw presented the same character as that taken from the other pits that I did examine. Saw some ore in a cabin, which the workmen informed him came out of the excavations. Supposes it was put there to prevent its being stolen. I did not examine that ore, but saw some very fine washings from it. I saw it taken from the cabins and washed. This was the second time that I was there. Do not recollect who was present. It was washed by Moss, a son of the owner. Saw no washing from the ore in the cabin on any other occasion. I took it up in a pan and gave it to Moss, who washed it in a little branch near the cabins. This washing was before the contract; the pan was full; I cannot tell what the yield was; it was a fine washing. By that term I mean when you can see a fine stream of gold half the round of the pan. Saw the rock and the veins at the points C, and D—they being higher than the rest, and saw

rock on both sides of the excavation, but took no rock from those parts myself, nor did I see any body else take it. The vein, as well as I could observe, was about a foot wide; sometimes a little wider, sometimes less. The rock on both sides of the vein contain more or less of gold also. The rock in pit B, is of the same character as the rest of the vein; consisting of mica slate, and in that slate is found threads of quartz, and sulphuret of iron, and in that formation is found the most gold. One washing was made from the pits by Moss. it was a fine washing, but as I told you, it was not so good as that from the other extremity. Other gentlemen made washings, but I saw no other.

I went into pit A, the first day on my last visit, to examine the stuff in it. I did not wash from it myself, but I saw ore taken from it and washed. They were beautiful washings, very rich. The second day I went into it again with my son, as I have told you. The one that I took from pit A, taken from from the S. E. side at the bottom. It was taken out the whole length to get an average. I wanted to have an interest in the mine, and was making an examination for myself and not for others. It was got out with a pick axe; I cut into the vein three or four inches and got out nearly half a bushel. From what I could observe, the vein was a foot wide. On arriving at Colonel Bowles', I delivered the ore to him, and he put it into our room still in the bag. Do not know from the quantity of gold produced from a pan, how much would be produced from a bushel. I never weighed the gold washed, nor did I see any one else do it. I did not see any of the Goochland gold washed in Orange. My son carried it from my house to Orange, and I never saw it afterwards. Do not recollect to have seen Mr. Smith wash any ore from the proof pit. I never saw him wash ore from the cabin. I saw him washing, but I dont know where he took the ore from. I never had the means of assaying the gold from the Goochland mine, and do not know its fineness.

Witness was referred to letter A, and asked if he knew that a cut of twelve feet had been made in any place. Replied, did not know, had never measured it. There is a large cut, it may be twelve or fourteen feet wide. I never measured it—but know that there is a cut ten or twelve feet wide that yields gold. I think it is near the branch, but cannot tell exactly. Did not see the cut made—that was before my time, but I saw it afterwards. I never was in the excavation—it had water in it, but I examined it on the top. Witness repeated he could not answer with certainty as to the width of any part of the excavation—in some places it was six, seven, eight or more feet wide. Witness repeated he had never measured the cuts, and therefore did not know, with perfect accuracy, the width of them.

The veins having been removed, and excavations being filled with water, witness could not examine them throughout, but he saw veins on the sides and he saw in the proof pit, veins of four, five or six feet wide* which, from the vein retreating there, was only a partial view,

* This is incorrectly expressed. Witness meant that he saw veins disseminated through a space of four, five or six feet wide, in the formation.

and as the appearances along the excavation correspond with these, he inferred that the threads would extend through the formation some ten or twelve feet. Cannot say how many veins he saw in the proof pit. He saw none there six inches wide—saw many of an half and one and two inches wide, and where they run together, as they sometime do, they might make veins that wide. Says that he does not know that any part of the formation is "several feet more than twelve feet wide." He never measured it. Never one hundred pounds of the ore to ascertain the yield. Cannot say that one hundred pounds of the ore would yield several hundred pennyweights. I saw some my son brought from the mine partially washed. I think it would certainly yield in that proportion. I was not with him when he took the ore from the pit, he brought it home partially washed. He brought a panful, I did not weigh it. Do not know the weight of the ore. I told you once before, when the letter A, was read to me, I did not find in it a word too much, because the prospects were as flattering as any I ever saw in my lifetime. Made no experiment myself to ascertain how much gold one hundred pounds would produce, and therefore cannot say. But on my credit, as a miner, never saw more flattering prospects than the Goochland mine. In Europe has practised mining, in zinc, lead, silver and gold. Has known various gold mines in Europe. The mines in Europe require a different process from washing—never saw the process of washing until he came to America. Has been in America about three years. Saw three gold mines in Tyrol, one in Grison, of which I was superintendant with another gentleman.

The examination of J. Hitz, senior, being concluded, the board adjourned at 12 o'clock midnight, to meet at 8 o'clock, A. M. to-morrow.

THURSDAY, *May 29th*, 1834.

The board met pursuant to adjournment.

Present: Arbitrators B. R. Wellford, R. B. Maury, and W. F. Gray. The parties, G. Richards and Geo. Richards and W. R. Smith, attended by their respective counsel.

The examination of J. Hitz, jr. was resumed by counsel for defendant. What was the reputation of the Goochland mine when you first heard of it in the fall of 1832.

Answer. The reputation was very good.

Did the reputation of it increase up to the time of the purchase?

Answer. As the experiment were flattering or otherwise, the estimate of it fluctuated, with us. As to the general reputation of it I cannot tell. I was much engaged with my work at Grasty's, and do not know what the public opinion was.

Cross examined by complainant. Witness was requested by counsel to draw a diagram of the localities about the Goochland mine, which he did with pencil. Being questioned as to proof pit or new pit marked A, says it was twelve feet deep—as to length or breadth does not recollect—has already stated those facts in his first exami-

nation when he consulted his diary, and is not willing to relate those particulars from his imperfect memory. May have been other cuts than those marked, but does not recollect. Supposes proof pit may have been five feet across and three feet with it. Supposes pit B, to be twelve feet across the vein and four with it—may have been more, cannot tell, guesses it fifteen or twenty feet deep. From one extremity of the works to the other, marking on diagram, is about fifteen fathom or about one hundred feet. Depth of the parallel cut C, or ditch, irregular, from four to eight feet deep—length cannot tell—supposes thirty feet, width irregular, some of it caved in, supposes it may have been originally about four feet. Pit B, is the one examined on the first visit to the mine; does not recollect to have examined any other. Does not recollect whether there was then any other pit—cant tell; there might have been; cant recollect with certainty. The owners were at work on it on the first visit. Examined formation at that time—formation as wide as the pit, say twelve feet; do not know if it went further; as far as I recollect, it did.

How deep was it from the surface of the earth to the beginning of the formation?

Answer. They were working for deposite gold when they struck the vein. The common soil had been thrown off, and there was no way of judging the distance from surface to where they struck the vein—the formation came up to the point where they finished washing off surface gold.

Was the formation in pit B, rich?

Partly very rich, and partly very poor.

How many veins were in pit B?

Examined it from end to end, taking a panful at a time at intermediate spaces. About the middle of shaft, struck a place which proved to be very rich. It was intermixed with quartz and slate—the place in which was the particular richness was about a foot wide. I call it a vein, and miners would call it so. There were no other threads of veins running through the formation that I saw at that time. And afterwards I did not examine it.

Did not again examine it, because afterwards full of water. Examined only on the N. E. side. Examined a panful at a time. A pan contains perhaps ten or fifteen pounds, it may be twenty or thirty; can't tell.

How much gold did you get from a panful?

Answer. It is impossible to tell—Mr. Fisher or others can tell you better about it.

Can you form a conjecture about it?

That is the same thing put down, I cant't tell; I can make no conjecture about it. As far as I can recollect, I never washed from this pit at any other time.

Did you carry any of the ore away with you?

Can't recollect. Took specimens at some time; don't recollect if at this time. Mr. Fisher gave me some ore out of a pan, which he said came from that pit, and which I carried away; don't know if it was the first time or not; may have been. Don't know if I was present

when Fisher took out the ore; saw him wash it. All that he personally knew of that pit, was derived from the washing made by himself at that time. On the second visit the pit was full of water; may have been on the third; don't know. Don't recollect whether he ever went into that pit again. May have done so, but don't recollect.

What became of the ore taken from the pit?

Understood from owners, it was carried and put in the cabin—I saw ore in the cabin. There was a tolerable quantity. The cabin floor was nearly full. I do not know if it all was there or not.

Did you yourself ever see any ore taken from the pit and washed?

I think I have seen Mr. Fisher take ore from that pit and wash it —but am not certain. They were working the pit when I got there —I did not see all their work—I was making examinations and when I worked, they stopped to look on. After I finished, I went off. I did not examine the ore in the cabin. I am fonder of making my experiments from a vein, than from a pile, that I may know where it came from. I was told by the owners that the ore in the cabin was very rich—it was under lock.

Why did not you examine it?

I have just said I wanted to know where the gold I examined came from. I saw the ore in the cabin and handled some of it, and to all appearance it was the same as what I saw in the vein. It had a good deal of stuff from the formation mixed with it. It was in bulk, and that is the reason I did not examine it, because I could not tell from what part of the pit, any part I might wash had been taken; of course the result would not be satisfactory.

In describing the vein as one foot wide, did that one foot consist of one continuous substance, or of threads of different substances?

Answer. I ought to have the vein before me, as I had then, to answer that; it was not one mass, but consisted of an intermixture of slate and quartz and ferruginous substances decomposed, being the character of the matrix in which the gold is generally deposited.

Where did you get the specimens which you first showed to Captain Smith?

Answer. Mr. Fisher gave them to me. I reckon he took them out of the pit. I cannot recollect. He told me he took them from pit B, and I believed him; had no reason to doubt it.

Was that the only specimen you ever got from that pit?

It may have been; I do not recollect.

When you went to the new pit with your father, to take out specimens, how did you collect it?

There was a good deal of mud and stuff in the pit; it had rained. We first cleared off that. The vein had been struck on the N. W. side. It only appeared at the S. E. side of the bottom. If they had gone down a little further to the N. W. they would not have struck it at all. When I ascertained, by clearing out the mud, in what part of the pit the gold was, I directed the boy to dig it out, and I looked on. We dug a great deal more than we brought away. Our object was to get a fair specimen of the ore. We carried away about half a bushel, as before stated.

Did you examine pit A yourself before the purchase was made?

I cannot recollect whether I did or not. I suppose examinations were made, perhaps by my father, perhaps by Captain Smith, but I do not recollect how the examinations were made that day; they may have made a great many, or none; I cannot tell. As far as I recollect, there were examinations made, but by whom, or what was the result, I don't know. I had the fever; appearances justified it.

B. R. W. If you did not examine the pit, nor see it examined, how did you know it was rich enough to justify your offer of $1,100 per share?

Answer. I had fully examined the other part of the vein, and this pit A, was sunk to prove whether or not the vein continued up the hill, and as soon as I heard that, in sinking it, they had struck the vein, and of the same richness as that before examined, I was satisfied. Do not recollect who told me of striking the vein. A messenger was sent with the news.

(G. R.) Did you ever see Captain Smith in that pit?

Do not recollect; may or may not have been.

(G. R.) Did you see Captain Smith wash any gold on the morning that you made the purchase?

I do not recollect whether he did or did not. Do not recollect ever to have seen Captain Smith in pit B; may have been there or not; dont know.

When you went to the mine on the 27th November with Captain Smith, did you see him go into the pit?

Answer. The pits were then filled with water, and he could not go into them, as appears in the former part of the testimony. Don't recollect if the pits were filled with water on our last visit. Did not see Captain Smith wash any of the gold in the cabin; he might have done it.

I don't think I washed any of the gold that was taken from pit A, and carried to Orange.

I saw Captain Smith and Mr. Walton wash it. Do not recollect how much, nor in what way they made their washings. They made very good turn outs.

(G. R.) How do you estimate the richness of a washing unless you know the quantity of the ore washed?

Answer. If they say they have washed a panful or a quantity of ore, and I see a great deal of gold turned out, I call that a rich washing.

G. R. When you see a good deal of gold taken from a common panful of ore, can you form an idea how much such ore would yield per bushel?

Answer. Yes; I can form an idea; nobody can form a correct opinion from pan washing, but he can form an idea somewhat near the truth.

G. R. You have seen Mr. Fisher wash. How much do you suppose the best washing you ever saw him make at the Goochland mine would yield per bushel?

Answer. When we made the washings at the mine it was without beating. We had no mortar there; what I saw Fisher wash there, unbeat, I thought would yield forty or fifty pennyweights per bushel. That was my impression at the time.

T. B. B. Did you ever make a washing yourself of that ore, that was as rich as forty or fifty pennyweight per bushel?

Answer. I don't know; I made very good washings. The best washings I saw made were by the Fishers, and mine did not differ much from them, I thought.

G. R. After the contracts were made and you started to go home, were any pits ordered to be covered up? and what pits.

Answer. I do not recollect distinctly what Captain Smith ordered. I think some order, or something was said about it, but do not recollect in what manner of way, to cover or not to cover.

G. R. Were any pits covered, to your knowledge, when you were there?

Answer. None that I know of.

G. R. Was there a heavy rain when you were there the last time, so as to raise the run?

Answer. I do not know about a heavy rain. It was rainy and snowy, but not a heavy rain; I think not.

T. B. B. What was the length of the vein which you saw in pit A?

Answer. Exactly from one end to the other. It was the length of the pit, about four feet.

What was the width of the vein there?

Answer. I cannot tell the width; it was struck on the side.

Was the vein in pit A, in one solid vein, or in various threads of veins, from two to six and nine inches wide?

Answer. I could not tell that, as I could not see face of the vein so as to view it fairly; it was in the corner of the pit under me.

Could you discover any distinct threads in that vein at all?

Answer. As far as I could see, it bore the same character as that in the other pit.

G. R. Could you distinguish any threads of mica slate formation in the gold vein, in the bottom or corner of this pit?

Answer. I do not recollect whether or not. I may have seen them, but do not recollect. If it had been yesterday, I could tell.

(T. B. B.) You have said in your examination here, that the ore that you saw in the cabin, was thrown in indiscriminately. Now, would you not, as a miner, in making an examination of ore, to ascertain its average value, take it in that condition in preference to any other?

Answer. No; I would prefer to make my examination on the vein. I could not estimate the value of ore placed there by unskilful hands, who did not know how to assort it?

(G. R.) What was the rumor as to the value of this ore in the cabin?

Answer. They thought it was rich; people said so.

(G. R.) Was it kept under lock and key?

Answer. As far as I can recollect it was so.

(G. R.) And though this ore was taken from pit B, and put in the cabin and placed under lock and key, and reputed to be rich, you, as a miner, and wishing to purchase, and to ascertain the character and value of the mine, did not think it worth the trouble to test the said ore: explain why?

Answer. I think a miner who goes to examine the value of a vein, and their formation, for him it is the most important to know the character of the vein and the formation, much more so than to make an experiment on a pile of stuff thrown in without any knowledge. There is an uncertainty in making a small experiment on a pile of ore, for the reason that you might hit on very good places and sometimes on very indifferent ones, and particularly on such ore intermingled with slate and mica, becoming decomposed by throwing it together?

Did you believe the ore in the cabin to be rich?

Answer. How can I tell, when I made no examination.

The board then adjourned until 4 o'clock, P. M.

Four o'clock, P. M.

The examination of J. Hitz, junior, continued.

(T. B. B.) Will you state whether you have examined the pit C, and how often?

Answer. I cannot recollect the date, but the first time my father was with me at Goochland, I examined it; never before nor afterwards. The formation in the pit C, was the whole width of the extended opening, which was about four feet wide.

(T. B. B.) State whether there was or not, threads of veins, running through this formation, of from two to six inches wide?

Answer. That is mentioned before in my examination. I could not see the face of the vein so as to examine it properly. The character of the rock I could distinguish in taking out and washing it.

Was the character of all the veins that you examined at the mine, and the formations of the same character as you have stated in answer to the last question?

Answer. Yes, they were.

Did you make any washing of ore in this pit? If so, how many?

Answer. I ordered washings to be made in my presence; I can't recollect who made them; I made none myself; I ordered only one or two; I don't know; very few.

What was the result of these washings? How many pennyweights to the bushel would they have produced?

Answer. Not as good as pit B; perhaps about fifteen to twenty pennyweights per bushel. That was my impression, then, without pounding; all these trials were made in that way.

Was the gold imbedded in such material that by rubbing and stirring it about in the pan, the gold would be extracted?

Answer. No; it would not be extracted entirely; washing in that way, and washing the pounded ore, would make a very material difference.

Was the ore soft or hard?

Answer. Generally of a soft character.

What difference would result between washing the ore pounded, and washing it without pounding?

Answer. I guess by soft ore, about one-third more.

You have stated that on a visit to the mine, November 20th, 1832, that you found it in such a situation that you were unwilling to purchase, and run any risk about it, and wanted another pit, the proof pit, dug; do you mean to say that you would not have purchased but for the result of the proof pit?

The proof pit alone would not have induced me to purchase, as it was then encumbered with a difficulty about Moss's title, and I wishing to be certain that the vein extended up the hill, I desired to have that pit dug; further experiments in the valley would have been more difficult than making this.

Were there any other pits cut in or across the vein, than those marked on the diagram before you?

Answer. I don't recollect of any others that have been; there may be; I don't know.

Did you take any ore from the proof pit except from the corner at the bottom?

Answer. I took it all from the S. E. side of the bottom of the pit, from one end to the other; the vein was struck at a depth of twelve feet.

You have said that you washed a panful of the ore which you took from the proof pit, about half, and put the washing, i. e. what remained, into the bag, with the other ore; did you tell Mr. S. of this washing, and that you put it into the bag?

Answer. I cannot recollect whether I have done so or not.

Did you say any thing to Mr. S. about this washing you made?

I dont know; I may have said; can't tell; dont recollect about those particular circumstances.

Do you think that this washing, added to that in the bag, presented a fair sample of the ore from the proof pit?

Answer. Of course, so far as the panful washed was cleaner than that in the bag, it enriched the whole mass.

In your examinations of formations in which the vein runs in any of the pits, was it, independent of the vein, worth washing?

Answer. In these formations I only particularly examined pit B. I think they would hardly have been worth washing.

(L. W. B.) You have said that when you took the specimen from pit A, you went into it to clear it out, and that you dug some and then sent a negro boy down to dig.

(Altered by T. B. C.) Will you state whether you took the ore from the proof pit, in December, 1832, or, whether some other person assisted? State all about it.

Answer. I took in part; in part the said negro boy, in mine and my father's presence.

(L. W. B.) Were you in the pit when the negro boys took out what they did take out?

Answer. No, I was not in the pit.

Who did Wiatt negotiate with for the purchase of the mine? Was it with all the owners; or, with some of them on behalf of the others?

Answer. Mr. Wiatt and Captain Smith, both of them negotiated; I cannot tell with whom. I was not there at the time.

What did Colonel Bowles and Hodgson get for their shares?

Answer. I do not know what they got additional; more than the others.

You mention as a reason for your selling your share, that you understood the company was about to work the mine, and that you could not bear the expense. Who were the company you allude to; name the persons?

Answer. I understood Mr. Nathaniel Richards and Captain Smith were the company. I did not know any body else.

From whom did you learn that the company was about to work the mine?

Answer. From Captain Smith.

(T. B. B.) What experience have you had in gold mining, and where, previous to October, 1832?

Answer. In our country, Switzerland; I have visited several times a gold mine in which my father was interested, and partly had the direction. And here, in this country, at Stringfellows: I was at Stringfellows about half a year. There we opened shafts, and examined veins.

Was it worked to any extent; if so, to what extent?

Answer. A good many shafts we sunk; a good many ditches we cut, and we tore the land to pieces a good deal.

State in which of the pits at the Goochland mine, as marked on the diagram, you saw the formation twelve feet wide, and the threads of veins, as described in the letter of William K. Smith, of 21st January, 1833? (See lines 30 to 36 inclusive.)

Answer. Yesterday, I thought I mentioned, that about them threads so stated in the letter, was not precisely so as I thought to have seen the vein; but, however, I thought it not of such importance as to state that the letter could not be true likewise. Captain Smith himself, he might have seen, he might have thought to see several threads of veins running in one body, which I did'nt discover in that way. I found the vein as I have stated in my first examination, when I went to the place. I may have looked not right, and he perhaps have looked not right. Two miners looking at the same time, may differ very much in their opinion. I did not see the veins as described in that part of the letter, in any of the pits opened.

Did you see the formation in any pit at the Goochland mine twelve feet wide; if so, at which pit; and if wider than twelve feet, how much wider; and in which pit did you see it?

Answer. I reckon I mentioned before, that the formation at pit B. was the width of the pit, and that was twelve feet wide, and we had not on either side the boundary outside the formation. I saw no formation end exposed that was wider than twelve feet.

Did you ever see 100 pounds of the one at Goochland mine, that would produce several hundred pennyweights of gold?

Answer. As I stated yesterday, there is one there that would produce in that proportion; but how much of it, don't know. I don't know that I ever saw one hundred pounds together that I thought would produce that quantity.

How do you know that there is one hundred pounds of the Goochland ore, that would produce several hundred pennyweights?

Answer. I have not seen one hundred pounds together, in one bulk, that would produce it. I have just said so.

Did you ever wash any ore from the Goochland mine, that would produce several hundred pennyweights to the bushel; if so, from which pit was it taken?

Answer. I took, by washing, from the vein of pit B., ore which I supposed then would yield as much as that: I took this ore from a pan that I had washed the dirt from. It was about two or three inches square. I don't recollect the time. Don't recollect who was present. I took the piece home.

A pan was produced by defendant and placed in the hands of the arbitrators, which witness said was about the size of those used in the experiments at Goochland mine.

Were you particularly requested by Captain Smith to be particular in selecting a fair specimen of the ore that you took from proof pit—and which was carried home—and did you do so?

Answer. I can't recollect particularly that I was, but I thought so. It is impressed on my mind, but I can't recollect the particular circumstances.

The examination of J. Hitz, jr. being concluded, the board adjourned, past 7 o'clock, until 9 o'clock, A. M. to-morrow.

FRIDAY, *May* 31*st*, 1834.

The board met pursuant to adjournment. Present: arbitrators B. R. Wellford, R. B. Maury, W. F. Gray, and the parties litigant. Guy Richards, George R. and W. K. Smith, attended by their respective counsel.

The parties having declined producing any other witnesses at this time, the board adjourned until the 21st July next.

MONDAY, *July* 21*st*, 1834.

The board met according to adjournment. Present: all the arbirrators; plaintiffs, Guy Richards, George Richards, John L. Moffatt, and Francis Allynn, attended by their counsel, T. B. Barton and L. W. Berry; and the defendant, W. K. Smith, attended by his counsel, John Maury and Thomas H. Botts.

The cause was opened by Barton for plaintiff, and Marye for defendant. The pleadings had in the United States circuit court of New York were read, viz: The bill of the plaintiff George Richards, (marked C.) The answer of the defendant, (marked D.)

The board then adjourned until half past 9 o'clock, to-morrow.

TUESDAY, *July 22d*, 1834.

The board met according to adjournment. Present: all the arbitrators. The plaintiffs, George Richards, Guy Richards, Allyn, Moffatt, and their counsel, Barton and Berry; and the defendant Smith, and his counsel, Marye and Botts.

There being no witnesses in attendance, and none likely to attend to-morrow, on motion of the plaintiff the board adjourned until nine o'clock, on Thursday morning.

THURSDAY, *July 24th*, 1834.

The board met pursuant to adjournment. Present: all the arbitrators. The plaintiffs, George Richards, Guy Richards, Francis Allyn, and J. L. Moffatt, and their counsel; and the defendant Smith with his counsel, Marye. Absent, Botts, sick.

David Trego, a witness on behalf of the plaintiffs, was produced, who having duly affirmed, deposed and said, a miner and chemist, resides in Baltimore, about thirty years of age, an American by birth, was employed by Captain Smith, as I understood, for himself and Nathaniel Richards as the agent or manager of the Goochland mine, on the 15th of April, 1833. (The contract between them was produced, marked E.) The witness showed M. S. diagrams A, B, C, of the works, examinations, &c. at the Goochland mine; as well of the operations made under his own directions, as of those done before he went, drawn as he said, as well as he could from recollection, (marked F.)

I first saw the Goochland mine in November, 1832; not positive as to the day. Did not particularly examine the workings there at that time. There was one pit opened at that time. I do not recollect seeing more than one, others may have been opened and filled up. The pit then opened was the one marked four on diagram A. My examination was slight at that time, not feeling much interest in the place; from what I saw, was not favorably struck; but thought it a place of considerable promise and worthy of further examination.

By Barton. Was there any regularly formed vein?

Answer. That is a question that I am not able to answer very definitely. There was a formation, containing a number of small veins or threads of ore, containing gold.

By same. Did these threads or veins of ore extend throughout the whole formation?

Answer. My recollection is not entirely distinct about that; but I am inclined to think they were more confined to the S. E. end of the pit than to the other.

By same. What was the width of the formation containing these veins or threads at the S. E. point?

Answer. I have no distinct recollection of the formation containing these threads, but I suppose it was about two feet more or less.

By same. What was the character of these threads or veins?

Answer. They were a dark brownish color, varying, probably, from the 8th of an inch to three or four inches in thickness, perhaps more than that; rather irregular in their extent, running out and coming in again; sometimes low down, and coming again into each other. They were of a soft substance, composed in part of oxide of iron and decomposed slate; probably that is what is called gold ore wherever it is found, and is what the proprietors call gold ore at the Goochland mine. I saw some of it washed containing gold. (Said afterwards)—I did not wash any at that time.

By B. Did you consider the appearances above described as a well defined and regular vein?

Answer. No sir.

By same. Did you consider the washings made in your presence as rich?

Answer. Not remarkably rich; but they would have been called pretty good washings at almost any other place. I had received such extravagant accounts of that place, that I looked for something richer than common.

By same. Can you state about the quantity of gold per bushel the washings you saw would have produced?

Answer. I cannot pretend to be accurate, but probably somewhere from half a pennyweight to one pennyweight per bushel.

By same. Was the ore that you saw washed taken promiscuously from the formation, or was it picked out from the small threads or veins?

Answer. I believe it was selected from the threads. Mr. Fisher, who washed the ore, was trying to show me how rich the mine was.

By same. Was Fisher one of the proprietors?

Answer. Yes, Fisher, senior.

By same. Did you, at any time, and if so when, inform the defendant of your opinion of this mine; and if so, state as near as you can, what you stated to him?

Answer. I had a conversation with Captain Smith, defendant, shortly afterwards, say within two or three days. I said to him that I thought it a promising place, and worthy of further examination. But I felt doubtful of its being a permanent mine.

By same. Did you state the reasons why you doubted that it would be a permanent mine; if so, what were they?

Answer. I did. My principal reason was, that it was composed of those small threads or veins running through a formation, without being concentrated into a regularly defined vein. That is the amount of what I said to defendant.

By B. R. W. What was the depth of pit four, A, at that time?

Answer. I cannot be very accurate, as to the depth; suppose about fifteen, sixteen, or seventeen feet. They were then sinking that pit, and continued sinking for some time afterwards. It was then curbed; there may have been some timbers in it.

By Barton. Where did the conversation with defendant and yourself take place?

Answer. At Captain Smith's house, at Orange.

By same. Where did you then go, and when, and from whom, and what did you hear of the Goochland mine next?

Answer. I went home to my father's house, in Hartford city, Maryland; about Christmas, I think, I had a letter from Captain Smith, in which he stated that he had purchased the Goochland mine.

By same. At what time did you go to the Goochland mine, as agent or manager?

Answer. On the 15 or 16th of April.

By same. Will you describe to us what workings were then executed at the mine, upon either of these diagrams.

Answer. Diagram A, represents the work that had been done at that time; but some of the pits were then covered up, they have since been opened.

By same. Do either of these diagrams describe the work which you did at the mine? and if so, which of them?

Answer. Diagram B, describes the work done under my superintendence.

By same. Will you describe the first work you did; if to sink a pit, where was it located?

Answer. The shaft marked A, diagram B, thirty-four feet deep, was first sunk under my directions.

By same. Was it sunk according to the directions of Captain Smith?

Answer. I believe I varied the location about six or seven feet, probably, from the point marked out or suggested by him.

By same. In what particulars did your location of the shaft differ from the suggestions of Mr. Smith?

Answer. His suggestions was, that the west corner of the shaft should nearly join the east corner of the proof pit, (marked on diagram C.) My shaft is marked A. I thought that by following his directions, which were not very particular, I should go right through the vein, which dipt to S. E. I therefore took the responsibility of going a little farther off, in order to strike it a greater depth. I calculated on striking it at twenty-five or thirty feet; proof pit is only twelve feet.

By same. Did you strike the vein; and if so, at what depth, and when?

Answer. I am not an old experienced miner, and have not read a great deal on the subject of mining, and do not profess to understand the technical mining terms. I do not know whether this should properly be called a vein or formation. I am inclined to the latter. But it might more properly be called a formation, containing veins. I think Captain Smith had himself been at a loss whether to call this

mine a vein or formation. I cannot be exact, as to time or place, but I think Captain Smith at one time, speaking of the mine, called it a vein, and then corrected himself, and said it might more properly be called a formation of veins. The remark struck me at the time, because I thought it a formation myself. About the 20th or 21st of June, 1833, I struck a formation, bearing some resemblance to what was commonly called the vein, about thirty feet deep.

By same. Did this formation contain threads or veins; if so, what was their character? Were they rich; did you make any washings from them?

Answer. Why, I can't speak very definitely about threads or veins; it certainly did not contain the threads of ore found in pit 4. I made repeated washings from this formation; they yielded very little gold, indeed.

By same. Did you inform Captain Smith of this? if so, when?

Answer. I presume I did, but cannot tell exactly when. I am unable to fix on any precise time when the information was given to Captain Smith; my regular communications were made to Mr. N. Richards. I was not regular in my communications to Captain Smith, nor did I keep copies of my letters to him, so as to enable me to refer to them.

By B. R. W. Are you certain that you did communicate the fact to him?

Answer. I am not certain, but I believe I did.

By Barton. When did you inform Mr. Nathaniel Richards of this?

In a letter, dated 22d June, 1833.

By same. Did you sink this shaft any deeper; and if so, with what result?

Answer. It was sunk about three feet deeper; we then came to a solid hard gneiss rock. I made several blasts in the rock, which brought the shaft about one foot deeper; found the rock very hard, and no appearance of the vein having entered it; then gave up going deeper. The shaft was then thirty-four feet deep.

By same. Is the gneiss rock considered the primitive formation of the earth, and have you ever known a vein of gold to be discovered beneath it?

Answer. I believe it is called by geologists a primitive formation, though I am not much of a geologist; I do not profess to be one. I believe I have never seen any vein discovered beneath it.

By same. Will you describe your next working?

Answer. On the bottom of A, I tunnelled each way, N. E. and S. W. i. e. parallel with, and in the vein, about twenty-two feet each way, as near as I can recollect.

By same. What were the results; did you find gold, and how much?

Answer. I found occasionally a few particles of gold.

By same. At what time did you finish these tunnels; were they made under the direction of Capt. S. and was he informed of the result, and when?

Answer. I believe somewhere from the first to the 6th of July; I

believe I received no particular instructions from Capt. S. to drive these particular tunnels; I considered myself at liberty to make these tunnels, under the general instructions received from Capt. S. without having special instructions to make these particular ones. He was informed of the results; but as to the time when, I cannot be positive.

By same. Will you describe your next working, and the result of it?

Answer. The next thing I did, I think, was to sink a pit, E, just above Wh. House, diagram C, about twelve feet deep. It was in the formation, which was struck about three or four feet from surface, I think. It was of the usual size, about five feet lengthwise, by seven feet across the formation. After getting twelve feet, we tunnelled, so as to get the width of formation. Found little or no gold; I am inclined to think we found a little gold; a few particles.

By same. How far is pit E, from proof pit?

Answer. About twenty-five feet.

By same. About what time was that pit sunk?

Answer. It must have been about the 10th or 12th, or from the 10th to 15th, of July. I am not precise, but I am inclined to think it was about that time. It was a pit I considered of little importance, and took no notes about it.

By same. Will you describe your next working, and the result, and when it was completed?

Answer. The next working that I done, I believe, was not done on the vein. It was shaft D, N. W. of the W. H. sunk by direction of Captain Smith, under his original general instructions; to ventilate shaft A, and at the same time to search for a supposed quartz vein, which lay in that direction. This was not finished; it was abandoned after we got six or eight feet deep, and we returned to the first shaft, A, to the S. W. tunnel; at about six feet we struck what the head miner called gneiss, in a decomposed state; it was not so solid as that found elsewhere. That was partly the reason we abandoned it. This was probably about the fifth or sixth of July.

By same. Why did you sink pit D, at the time you did, and why did you abandon it?

Answer. A reason why I sunk that shaft, or commenced it at the time I did, was because I was in a kind of dilemma, and did not know what (better) to be at; waiting instructions from Captain Smith, about further operations. It was abandoned principally at the solicitations of my head miner, who wished to make further examinations of the tunnel at the S. W. end of shaft A. I am not certain whether I received further instructions from Captain Smith to examine further the tunnel in shaft A, or not. We abandoned shaft D, because our head miner was discouraged, by the discovery of what appeared to be gneiss.

Adjourned to 4 o'clock, P. M.

The board met, pursuant to adjournment.

Present, as in the morning.

The examination of David Trego was continued.

By Barton. Did you make a further examination of the tunnels in shaft A, or either of them; and if so, what was the nature, and extent, and result, of such examinations?

Answer. From the S. W. tunnel I made a cross cut through the vein, in a N. W. direction; the tunnel being on the S. E. side of the vein; extent of the cross cut about twenty-one feet. Can't be positive that I found any gold; may have found a little; met with no encouragement.

By same. What date was this examination?

Answer. I cannot say precisely, but I presume it must have been some where about the first of August. It might have been commenced a little before, and finished a little after; it was some where about that time.

By same. Where did you work next; describe the extent and result?

Answer. I think my next operations were upon what is marked pit B, upon all the diagrams. It was an old pit, and had been filled up. It was re-opened, by Captain Smith's particular instructions, given about the first of August. This was upon what was called the vein. We went to the depth of twenty-five feet; reached the gneiss rock, and found no gold.

By same. Where did you work next; describe the extent and result?

Answer. I then tunnelled in a N. E. direction, in the vein towards the proof pit, about twenty-five feet, as near as I can recollect. No gold, of any consequence. It must have been, when I finished this tunnel, towards the latter end of August. Perhaps as late as the last of August.

By same How far was the proof pit from pit B. Did the tunnel pass under it?

Answer. I think it must have been about twenty-eight feet. The tunnel did not pass under it. Mr. Read, the head miner, thought that he went under proof pit; he reported that he had done so; but I did not go down about that time to examine it. But afterwards seeing that he had cut up into the bottom of a pit sunk by Captain Smith and myself, about the 16th or 18th of August; seeing the dirt fall through from the pit, I concluded that Read was mistaken, and had taken that for the proof pit. This pit was situated S. W. of proof pit, below, and immediately adjoining it.

By same. When did Captain Smith visit Goochland?

Answer. About the 15th or 16th of August, I think, as well as I recollect. He stayed two or three days.

By same. Will you state which of the pits and workings Captain Smith examined; the character and extent of such examinations; whether he did, or did not, open any of the old, or directed new pits to be sunk; and what was the result of such examinations? And state particularly, fully what you know relative to this question?

Answer. He went down into shaft A, staid some time, and returned; did not state to me the result of his examination. I did not

go down with him myself. Do not know whether he went into the tunnels or not, not being with him myself. I do not know that he went into any of the other pits at that time. He proposed opening or sinking a pit there, between the old workings, Nos. four and five, on the diagram, which we did; found the formation in a barrier between the two old pits, which had been left in the original workings, to keep the water from running out of the one into the other. This pit was sunk about ten feet deep; found the formation to contain some threads or small veins, as has been before described. These occupied a space of probably a foot and a half, or two feet, of the formation. We picked out some of these threads from the slate, with which they alternated; washed several pansful of this description; might be called tolerable good washings, provided the ore was abundant; but the ore was selected from these small veins in a large mass of the formation. I cannot be very precise about it, but could guess that it would probably yield a penny weight to the bushel; it would not exceed that. This pit was about ten feet deep. I think we next went to sink the pit next to the proof pit; Captain Smith said he knew where he could find it; where he could find it rich, perhaps; this is No. 2, next S. W. of proof pit, and adjoining it. At about six feet from the surface, we came to a formation, which I suspected contained gold. I took up a panful of it to wash. Captain Smith observing, at the same time, that is not the ore. I washed it, however, and found it rich. I suppose about twenty-five pennyweight to the bushel. It was a lightish color; a mixture of white, green, and yellowish colors, difficult to describe. It contained a soapy, greasy substance. It was what the Mosses, the original workers of the mine, called the marrowfat. We continued to wash, as we continued to progress in depth, and continued to find a little gold, but none so rich as this. I should not call any of the succeeding washings rich. We went about ten feet deep. We made a number of washings, from half a dozen to a dozen probably; not less than half a dozen. Cannot be positive whether we found gold in all of them; in all we did not, for at the bottom of the pit there was none. I suppose all the subsequent washings would not make as much gold as was contained in the first. I do not recollect positively whether it would make half as much. Can't say distinctly. I hardly think we found what has generally been called the formation, or vein, in this shaft. This ore was not what is generally called the vein. It did not continue as deep as we went. We lost it at ten feet deep; found no gold in the shaft at ten feet. The marrowfat was taken from the bottom of the pit, in sinking, at six feet from the surface; not from the sides. The pit was five feet on the vein, seven feet across. I am inclined to think it was at the S. E. end. Sometimes it was found rather in nests, or detached masses, than in regular veins. I do not think it dipt, or inclined either way. I believe Captain Smith's examinations closed when we left this pit.

By B. R. W. Did Captain Smith take any specimens from this pit?

Answer. I do not know that he took any thing but the first rich washing.

By Barton. Was Captain Smith pleased or otherwise with the prospects of Goochland mine at this visit; state what you heard him say about it?

Answer. He did not say to me whether he was or was not pleased.

By same. Did you hear Mr. Smith in the presence of Mr. Davis, or any other person, say any thing about it?

Answer. Some one of Mr. Davis's family said in the presence of Captain Smith they wondered that Mr. Trego did not get out of heart. Captain Smith replied, "Oh! he must not be discouraged, we have seen darker days than this at Orange."

By same. Did you open any other shafts or tunnels by the direction of Captain Smith. If so, describe them, and their results?

Answer. I did, I commenced the shaft C. I struck in this shaft what was supposed to be the formation; it contained a little gold.—Don't recollect precisely the depth, believe it was some twelve or fifteen feet. This shaft is more than one hundred feet from proof pit. Struck the gneiss at thirty-eight feet. We then commenced a tunnel towards the branch, which as near as I can recollect we run twenty-three feet in the vein on the gneiss. I am not certain that I found any gold in the tunnel. I may have found a little; but none worth taking notice of. This work was done probably from the 15th of September to the 6th October. That is the tunnelling was done in that time. The shaft was sunk immediately previous.

On motion of plaintiff's counsel, the board adjourned (6 o'clock P. M.) until to-morrow morning at 8 o'clock.

Witness present this day, David Trego.

FRIDAY, *July 25th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, the parties and their counsel. The examination of D. Trego was continued.

By Barton. Did you hear Captain Smith at any time, and if so, when, express an apprehension that the Goochland mine would or might fail; if so, what did he say on that occasion?

Answer. I cannot be positive that I heard Captain Smith express such an apprehension at any time. But the possibility of its failing was talked of between us, during his visit in August. He said if it should fail, his intention was to refund. I cannot be positive whether to all the purchasers or a part. Nor can I be positive whether it was all or a part of the purchase money that had been, or was to be paid.

By same. Did you make any further washings under the directions of Captain Smith, and if so, describe them and the results?

Answer. I believe I made no further workings on what is called the vein. At the same time that I was working C and B. I had also other hands working in D, west of W. house. I sunk that shaft about twenty feet, and tunnelled N. W. about thirty feet in search of

what we supposed to be a quartz vein. I found a small quartz vein, containing a little gold in the top of the tunnel; the vein was about eighteen inches thick, narrowed towards the bottom. After passing through the vein we went down with it, and in two or three feet it went out. That was all that was done in that shaft. I then sunk shaft F, about twenty feet in search of the quartz vein, found no vein. G, was sunk some time previously, it was a mud pit, not considered a shaft, or of any conseqnence.

By same. What is the distance between the N. E. end of the tunnel from shart A, at one extremity of the vein, and shaft C, at the other extremity of the vein?

Answer. I never measured the distance, I should suppose it to be between one hundred fifty and two hundred feet.

By same. Did you make all the examinations which Mr. Smith directed?

Answer. I scarcely know how to answer that question, because I was stopped in my operations. I was going on with my operations under Captain Smith's general directions, when I was stopped by an order from N. Richards to close the concern. I was at work at that time in the tunnel leading from C, towards the branch, also in tunnel leading from B, towards C. And also in F, with three sets of hands.

By same. What is the distance of the point at which you stopped in tunnel C, from the point at which you stopped in tunnel B?

Answer. I suppose from twenty-five to thirty feet, never measured it.

By same. Were the indications at the time you were stopped particularly favorable? or otherwise.

Answer. I think they were particularly unfavorable, I was finding no gold.

By same. Did Mr. Smith unite with Mr. Richards in the order to stop?

Answer. I believe Mr. Smith gave me no positive order to stop. He appears to have united with Mr. Richards. Not in the order to stop, but in the conclusion that it would be proper to stop. I do not know that it would be proper to go so far as that, but I supposed so, as I afterwards received directions from Mr. Smith about closing the accounts. See letter marked G. dated 3d October, 1833.

By same. Did you at any time, make further examinations of G. M. if so, when, describe the result of such examinations?

Answer. Mr. Guy Richards called on me on his way to Goochland and requested I would accompany him to Goochland to make some examinations. I did, and we arrived there about third May, 1834. On the 7th, commenced a shaft or pit on the N. E. side of the proof pit in the Wh. H. immediately adjoining proof pit. On the 8th, uncovered the trench on S. W. side of branch, marked on diagram 5. In sinking through a crust of the old formation, found a thread or vein in the slate formation, of three quarters to one inch in thickness from which four washings were made by J. G. Davis and John Moss. It gave a pretty fair yield, probably one pennyweight per bushel. They (the results) were put on paper marked 2 and given to William Beazly. The pan was full each time and would hold about two quarts.

When the trench was opened, found it to have been sunk about three feet and a half in depth, in the slate formation, and three or four feet in width. We opened three or four feet of the old trench on the course of the vein, in the S. W. end of the trench, found a difficulty in pursuing it farther on account of the water that pressed in from the adjoining pits, that had been sunk by Captain Smith and myself in August. This trench could not have been more than seven or eight feet in length without entering the pit sunk by Captain Smith and myself in August, at which period we (Smith and self) discovered no appearance of a trench. When the trench was laid bare four washings were made, one of those from the three quarters to one inch wide formation, pursuing it down to the end of the trench, which gave a pretty fair yield. Another taken from the same, at the bottom of the trench, for a distance of from eighteen to twenty inches in length on the vein, and three or four inches in depth. Also a fair yield, probably three quarters to one penny weight per bushel. These washings were put in a paper marked No. 1, and given o William Beazley. Two other pansful were washed from other parts of the vein or formation, selected by John Moss as the best and only particles of gold visible in each. These were not saved. These four washings were made by John Moss. I was present. About one bushel of ore was now taken to obtain an average, from a transverse section of the trench of of about four feet, more of it however being taken from the part where the thread ran, from which the best washings were made, than from the other parts of the formation. That is, more in proportion. The whole was well mixed together and three washings were made by Beazley, Davis and myself. One of them gave some very fine particles of gold, which probably would not exceed an half pennyweight per bushel. Another exhibited one fine particle, and the other nothing at all. On the 9th, opened the trench on the S. W. side of the branch under the hill, marked 6, on diagram. Found it to be in length transverse the vein fourteen of fifteen feet, and three or four feet wide on the vein, and from four to five feet deep. I saw nothing in this pit that looked much like vein, did not see any washed, being absent at the time the washings was done. May 10th, having sunk the pit in the Wh. house, beside the proof pit, to the depth of twelve to thirteen feet, during the time of doing which many washings had been made, and only now and then a particle of gold found. A tunnel was driven in to strike the floor of the proof pit, and lay bare the vein from which ore was said to have been taken and sent to New York. The object was accomplished, the vein laid bare, and exhibited the excavation that had been made in taking out the specimens of from four to six inches in depth, and twelve to fifteen in length. The vein consists of two threads of three-quarters to an one inch in thickness, a little distance apart. The ore was dug out from both threads, the whole breadth of the pit, about three feet, and three to six inches in depth, five pansful were washed yielding very little gold, they were put into a paper marked No. 3, and given to William Beazley; made no further examinations. [All of the above answer was given by the witness from written memorandums, said to have

been made on the spot and at the time spoken of, which, he held and which, when he finished, he folded up and retained.]

By same. Do I understand you to say that the ore taken from the proof pit, was taken from the veins at the place in the pit, immediately under and adjoining the excavation made in taking out the specimens said to have been sent to New York?

Answer. The ore was taken from the veins immediately under the excavation which we found, and from which we were informed the ore was taken and sent to New York.

By (B. R. W.) Who informed you the specimens were taken from there?

Answer. John Moss, who assisted us in digging, and who, as he informed us, sunk the proof pit.

Question. By Barton. Did you examine the whole bottom of the proof pit; and was there any vein in any other part of it, or appearances that ore had been taken from any other part of it?

Answer. We did not examine the whole bottom of the pit. We were in search of the excavation that was said to have been made in taking out those specimens which were sent to New York, and when the man came to this excavation he said that was the one which they had made and left when they quit the proof pit, and that these were all the veins they had found in the proof pit. This excavation was in the S. E. end of the pit.

By the same. You have said it was in the S. E. end of proof pit; will you describe more particularly the situation of the vein; was it on the edge, leaving the proof pit, or how otherwise?

Answer. It was on the edge and just about leaving the proof pit with the general inclination of the formation, which was about 45 degrees to the S. E.

By same. Was the excavation towards the N. E. or S. W. on the bottom of the proof pit, or how otherwise?

Auswer. I think as far as I recollect, it was to the N. E. side of the pit.

By same. Do I understand you to say that your tunnel extended across the whole bottom of the proof pit at the S. E. side, and that you took ore from every part of it, or not?

Answer. The tunnel extended the whole width of the proof pit, and we took ore from every part of the veins the whole breadth of the pit.

By same. How did you know this was the proof pit; was it covered up as it was when you went there as a manager, and when you left there finally; did it seem in any way to have been disturbed in in the meantime?

Answer. When I went there it was covered over with pine tops, and nearly full of water. I filled it up with dirt taken out of shaft A. Saw no appearance of its having been disturbed. It could not have been disturbed during the time I was there as manager. Captain Smith told me, when he was there, that this was the proof pit; and I so understood before.

By same. What was the distance between the N. E. side of the pit sunk by Captain Smith and yourself, and the S. W. side of the proof pit.

Answer. I believe there was no orignal formation left between the two pits; they ran into each other.

By same. Did you take notes of your examination in May 1834, at the time they were made?

Answer. Yes, sir.

By same. Did you see more than one formation at Goochland that was commonly callod the vein?

Answer. I did not.

By same. Did you consider Goochland valuable as a mine from your own observations at any time?

Answer. In November, 1832, I should have considered it worth a risk of a few hundred dollars probably—not many hundred—though I should have said a small risk—it was worth something as I considered at that time—I saw nothing afterwards in my subsequent examinations to make me think it worth any thing at all.

By same. Then I understand you to say that any impressions of its value, if entertained by you, was subsequent to November 1832 bottomed on the opinions of others?

Answer. Yes; and received from the representations of others.

By same. In a former part of your affidavit you state that you received a letter from the defendant S. at Christmas, 1832—where is that letter?

Answer. Captain Smith called on me Baltimore, I think in January 1833* and requested the letters that he had written to me, for a particular purpose. I gave him all the letters, as I presumed. He kept them until yesterday. They were returned to me yesterday, except the letter in question: that I do not find amongst them. Having taken of Captian Smith no receipt at the time they were given. I cannot declare posively that the letter in question was given amongst them—but I am under the impression that it was.

By same. Will you state whether in that letter Captain Smith describes the Goochland mine—if so, state it as near as you can recollect?

Answer. He stated in this letter that he had purchased the Goochland mine, after having examined it the distance of one hundred feet, by sinking several shafts at different points on the vein, and found it very rich. He said it cost him about ten thousand dollars—that is about the amount of what the letters contained, I believe, as near as I can recollect, and as near his words as I can recollect.

By same. Did you understand from this letter, that Mr. Smith had personally examined it and that he had seen one hundred feet of the vein?

Answer. I understood from this letter that Mr. S. had personally examined it, but not that he had actually seen one hundred feet of the vein, but that he had developed the vein one hundred feet, that is, that the vein had been developed by sinking shafts for one hundred feet at different points on the vein, and that he had found it rich in each of these shafts.

* Should be 1834.

By same. Did you see at any point of your examinations of the formation, that it was at any place twelve feet wide, and at another point several feet wider?

Answer. I believe that in my examinations I found the formation twelve feet wide—I don't think that I ever saw it at any place where it was wider.

By same. Were the veins disseminated throughout the formation where it was or was not twelve feet wide—if not, how wide was the space of formation containing veins?

Answer. No, sir; I saw no place where the threads or veins extended throughout the whole formation. The space containing veins was probably about two feet wide.

By same. In the letter of twenty-first of January 1833, Mr. Smith says "the formation in which the ore is found is quite wide, a distance in one place of twelve feet, has been cut, and the veins are disseminated throughout the whole formation, in threads of from two to six inches wide"—do you understand from this that the threads or veins extended throught the whole formation?

Answer. I should understand that he meant to say that the threads or veins extended throughout the whole formation.

By same. How many pennyweights of gold would the richest ore you have seen taken from the mine, when selected, or not, yield per bushel?

Answer. The richest ore that I have seen taken from the mine, would yield about twenty-five pennyweights per bushel.

By same. How much ore have you seen that would yield any thing like that?

Answer. But one panful.

By same. Will you read the letter of the twenty-first January, 1833 and state whether it is a fair and just decription of the Goochland mine, as you have seen and examined it?

Answer. From the examinations that I have since made, I think it would appear not to be a fair description in all respects—though Captain Smith may have thought at that time that it was.

By same. Do you mean to say that Captain Smith having made a personal examination of the Goochland mine, might have thought the description, in the letter of the 21st January, 1833, was a fair description; do you mean to say in other words, that the mine would have justified this description at that time?

Answer. It is a hard question to get over, but if I must come out, I must say that I do not mean to say either. If I must come out, I must say that I do not think that if he had made a personal examination, that he would have been justified in giving this description. I may add, that the idea I had in answering the preceding question, was that the examination might have been made by the friends or friend of Captain Smith, and that he might have thought himself justified from their representations in giving the description that he did.

By the same. Did the mine in fact, at that or any other time, justify the description given in that letter?

Answer. I do not think from any examinations there, that it would justify that description.

By same. How much gold do you think you obtained from all your washings of ore, taken from the Goochland mine, from underground workings?

Answer. Well, really, it would be very difficult to make an estimate; I have washed a great many pansful, say from five hundred to two thousand; sometimes getting none, sometimes a particle, and sometimes several.

By same. What do you suppose one hundred feet of the formation or vein, yielded per bushel, as you have seen, and to the depth you have examined it, taking it upon an average through?

Answer. I should not suppose that it would yield more than the one eighth of a pennyweight, if so much.

Here the examination of the witness on the part of the plaintiff closed, and the board adjourned (at half past one P. M.) until four o'clock, P. M.

4 o'clock, P. M.

The board met pursuant to adjournment.

Cross examination of D. Trego by defendant.

Question. By Botts. In your conversations with Captain Smith from the period of his purchase of the Goochland mine, down to his visit to that mine, in August, 1833, did he speak of said mine as one of unusual promise, and did he make very high calculations upon the result of your operations there?

Answer. He always, down to that period, spoke of it as a very promising place, and appeared to make high calculations upon the result of the experiment there.

Question. By same. Did not Captain Smith always speak of it as being a mine of greatly superior promise to any in this country?

Answer. I believe he did previous to his visit in August.

Question. By same. What was the reputed value of the Goochland mine at the time you commenced your operations there as agent?

Answer. Common neighborhood report spoke of it as very valuable.

Question. By same. Were not the general directions, given to you by Captain Smith, touching your operations at Goochland, such as indicated perfect confidence on his part, that the operation would result favorably, and be of permanent duration?

Answer. I believe they were. I think I might qualify that a little by saying, the general instructions given me when I commenced operations appeared to have in view a permanent operation.

Question. By Dr. W. When you were in Goochland, in 1832, did you examine the ore contained in a cabin, and taken from either of the pits?

Answer. I did not examine it.

Question. By Mr. Maury. You stated in your evidence this morning, that the letter written to you by Captain Smith, about Christmas, 1832, was not among those returned to you by Captain Smith on yesterday. Will you state whether you applied to Captain Smith for that letter particularly?

Answer. I applied to Captain Smith for all the letters of his that I had given him; not particularly for that one. But I applied to him for all the letters which he had writtten me, and which I subsequently lent him in January, 1834. [See evidence above fol. 39—52.]

Question. By Gray. When you discovered the absence of that letter, did you apply to Captain Smith for it, or mention to him its not being among those returned to you?

Answer. I had applied to Captain Smith repeatedly for those letters, since they were lent, and he repeatedly promised them to me as soon as he could get them; stated that some of them were in New York and he had written for them, and if they arrived in time he would send them to me in Baltimore, but if they did not arrive in time, I should have them on my arrival here. On my arrival here I applied to him for the letters, which was, I think, the fourth application that I had made for them. He said he wished to take copies of them, as soon as he had done which, I should have them. I received them yesterday, and looking over discovered that the letter in question was missing; but did not apply to Captain Smith afterwards for that letter.

Question. By Marye. Do you recollect to have seen this letter at or about the time that you delivered the package of letters in January, 1834, to Captain Smith?

Answer. I have no recollection of having noticed this letter in particular, my intention was to give him all the letters which I had received from him, having a bearing upon the Goochland concern. I looked over them for that purpose, but not having at that time been struck with the importance of that letter, it probably passed my particular notice.

Question. By Barton. For what purpose did Mr. Smith want those letters?

Answer. He stated that the parties had agreed to refer the matter in dispute, to a reference of a particular kind; that they had withdrawn all law suits, and that he wished to have the letters as evidence in this reference. I understood him that the letters were wanted for the advantage of both parties, for a friendly reference.

Question. By Gray. Has any conversation passed between you and Captain Smith respecting the missing letter, since you discovered that it was not returned to you by him?

Answer. None, except what passed across the table this morning. He stated that he had not received the letter with the others.

Question. By Marye. Will you state to the arbitrators, whether you recognise, as true, the contents of a certificate now shown to you and marked H.

Answer. It is true as far as my recollectionss serve me at this time. It is in my hand writing.

Question. Dr. W. You have stated that the washings that you saw at Goochland, from the threads of veins, were pretty good washings; that they would have been so called at any other place, but that you had heard such extravagant accounts of that place, you looked for something richer than common. From whom did you receive these extravagant accounts?

Answer. From common neighborhood report.

The examination of Mr. Trego, was here closed, and the board adjourned until nine o'clock, to morrow morning.

SATURDAY, *July*, 26*th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, the parties and their counsel.

The examination of D. Trego was resumed. A letter under date of 3d November, 1833, marked K. written from D. Trego to W. R. Smith, being shown to witness, he was requested by Marye, to state whether he recognises the accuracy of its contents?

Answer. I do. [Witness then made an explanation limiting the application of the phrase, "Sometime subsequent" to defendant's visit to the mine in August, 1833, as after that time he did not see defendant until after the closing of the mine, but after some conversation about the manner of recording the explanation, he was permitted to make it in writing as a note to the letter. [See letter.]

Question. By Marye. Has there at any time fallen from Mr. Smith any thing that showed or indicated an abatement of his confidence in the mine? if so, when, and what?

Answer. All the answer that I can make to that question, I believe is to refer you to the examination of yesterday.

Question. By Marye. Will you state when you were first notified by Captain Smith that he wished you to hold yourself in readiness to act as superintendent at the Goochland mine, was it before or after, or in the letter received by you about Christmas, 1832, of which you have spoken as missing? It was a letter received in march, I think, and written in March, 1833, that I received the first request. I cannot recollect distinctly whether in the letter of Christmas, 1832, he requested me to hold myself in readiness to take charge of the Goochland mine particularly.

A letter written by Captain Smith to D. Trego marked L. date , was shown to witness, which he read.

Question. By Marye. Is this letter the copy or the original letter of instructions sent to you by Captain Smith when you took charge of the Coochland mine?

Answer. This is the letter of instructions handed to me by Captain Smith, when I went to Goochland as superintendent and retained by me.

Question. By Marye. Were you not apprised by Captain Smith prior to March, 1833, that your services would be required, or that it was his wish that you should have the management of the Goochland mine?

Answer. I think it very likely that some such wish was expressed

in the letter received about Christmas, 1832, but can't recollect distinctly, what the amount of the expression was, in the letter [witness further explained] I think there was something said in that letter relative to that matter; but cannot recollect distinctly whether it expressed a wish for me to undertake the agency or not.

The examination of D. Trego, was here closed.

George R. Lewis, a witness on behalf of plaintiff, being duly sworn, deposed and said. He is twenty-five years of age, residence in New-London, Connecticut, born there—by profession manufacturer and farmer, engaged in cotton factories.

Question. By Barton. Will you state whether you have had any conversation with Captain Smith, in relation to the Goochland mine. If so, when, and what did Captain Smith state?

Answer. I had a conversation with Captain Smith sometime during the latter part of August, 1833. Captain Smith remarked about the extent of Mr. Nathaniel Richard's property in Virginia mines. After mentioning several mines, he remarked that he owned a controlling interest, I think he said two-thirds, but will not be positive, in a mine which he thought would prove the greatest in this country, which I understood to be the Goochland mine, he then further observed, that he had visited the mine a short time previously, that he found they had not sunk the shaft where he could have wished, that he sunk a new one, struck the vein or formation, I don't remember which term he used, took out some of the ore, and made a washing; this washing, Mr. Smith showed us. I don't recollect that there was any other conversation except about the character of the washing and its richness.

Question. By Barton. Did he say any thing about the wealth of Mr. N. Richards, derived from his mining interests, and of mines in which he had an intererest—if so, state what?

Answer. Mr. Smith in the commencement of this conversation, spoke of Mr. R's. mining property, as being rich as well as extensive. I remember his naming the Liberty mine, and the names of one or two other mines, which I do not now remember.

Question. By same. Did he say any thing of the Orange mine—and if so, what? state fully what he said?

Answer. I had a conversation with Mr. Smith respecting the Orange mine, which commenced by my remarking that it was unfortunate the stock of the Orange mine had gone so high, Mr. Smith replied, "yes, that he had always considered that it must decline," or I have an impression that he used the words, that it was a bubble which he knew must burst. I won't be certain that he used these words, though that is my strong impression. Mr. Smith further observed, that he had thought he would be doing well when he had offered to sell his stock at double its cost. I won't be sure that Mr. Smith used the words double its cost, though that is my impression. He then observed that if the company had not been so eager for a result—that if they had allowed him to go on moderately experimenting, and got the stamps in operation sometime afterwards, the stock would probably have gone to $750 or $1000 per share. But the

company were constantly urging him on—wanted results—wanted a dividend. And when the stamps were taken up there was an end of the sale of stocks. This is all the conversation I recollect to have had with Mr. Smith, relative to the Orange mine.

Cross Examination.

Question. By Botts. Are you related to the plaintiffs or to any of them, if so, which of them?

Answer. I am related to Guy and George Richards—they are my uncles—to none others.

Question. By same. Are you now, or have you ever been a stockholder, or otherwise interested in the Orange mine, if so, of whom did you purchase, when did you purchase, and what at prices?

Answer. I am now a stockholder in the Orange mine—purchased the stock of Charles H. Richards of Brooklyn, another uncle of mine, the date I don't exactly remember, but I believe it was in April, 1833, price $150 per share.

[Witness further remarked that the conversations above referred to, between defendant and himself, were held at the Orange mine on his first visit in August, 1833.]

The Examination of G. R. Lewis was here closed,

John W. Payne, a witness for the plaintiffs being sworn, said, he is 50 years of age, born and resides in Goochland, a farmer by profession—never saw the plaintiff, Guy Richards, until the spring, saw George to-day for the first time—Mr. Smith, does not know at all—saw him once, but never spoke to him.

Question. By Barton. Are you acquainted with the Goochland mine? If so, was it worked as a surface mine? If so, by whom, when, and what were the results?

Answer. I am—it was— by a brother of mine, sir—was the first that worked it as a surface mine—that is now dead, in August, 1831, he worked it, commencing in August, I don't know the day, [the day might be ascertained if any body can recollect the day of the]—(great eclipse the witness would have said, but was interrupted.) He worked with three or four hands, and may be might some days have five, I don't think there ever was more than five, sir, if there was, it was unknown to me. I never seen more than five working at times when he could get water, didn't, work constant, because he couldn't always get water, sometimes worked two or three days in a week, sometimes not for a week, until about the last of November or 1st of December they quit, made about 103, 40 as my brother told me.

Question. By same. Did you know any other person to work there, and if so, at what time and what results?

Answer. Yes, sir, February, 1832, William Woodfolk, Jack Cole, and Thomas Payne, a brother of mine, worked it in partnership, worked seven hands until some time in the month of May; worked regular, no stint of warter, made a steady business of it, made about $1000, as my brother told me, not as I know—thereabouts. This is, $1000 was what was got out. They then quit, thinking the mine

had failed—they could not make expenses. The land after that he, Mr. Wallers, offered it for sale. In the month of September, 17th day, think it was 17th day, at public auction, at Joe Glenn's tavern. William Moss became the purchaser, at $3 05 per acre. The quantity of land I believe that he bought, was 372 acres, I think, will not be positive—it held out more though I believe, Moss sold it a second time, so I understand from Moss, &c., &c. In a short time, I am not certain to the time, it was said they had opened a very rich vein. I never was at the place until they was digging the pit for Captain Smith, as they said. John Moss and Davy Moss was digging the pit.

Question. By same. What passed under your observation at the digging of a pit at Goochland mine before it was sold by Moss and others?

Answer. The first time I was ever there, after they commenced digging for the vein, they were digging the proof pit as they called it. And had got it as I thought about seven or eight feet deep, may be nine. Mr. Fisher, senior, and Mr. Kirtley, had a panful of dirt, or ore as you might term it, each—I see them wash it—Mr. Fisher washed a large pan which I supposed to hold from one and a half to two gallons, Mr. Kirtely the small one, which I supposed held about three quarts; after it was carefully washed they put a little quicksilver in each pan. The quicksilver was drained from the gold—the gold was weighed in the amalgam state by Mr. Fisher, and there were six pennyweights and twenty-three grains. While John Moss and Davy Moss were digging, I see John Moss take up some ore, or dirt you might term it, it was a soft substance, I could discover gold among it with my natural eye—did do it, took some in my hand. After taking up some twice, as well as I can recollect, it appeared to fail—could get no more at that place. Mr. Kirtley washed three pansful and didn't find any gold, not a particle that I could see. A question was asked of John Moss and Davy what was the matter that it didn't keep getting gold. Davy Moss replied that it underlied, pointig his hand to the east end of the pit, said he should strike it down there. I staid there about two hours, I think. They didn't take up any more that they saved. They asked Mr. Fisher, myself, or some of the company, I will not be positive whether it was myself or not, if the dirt they throwed out didn't have gold in it. He replied it was well worth washing, I went up there the Friday evening before the mine was sold; they had got the pit about twelve or fourteen feet deep as I supposed. Mr. G. Fisher, jr. went down the pit—brought out some dirt or ore, don't know what you call, 'twas a soft substance, from the east end of the pit, washed it, and there was a smart chance of gold in it for the quantity of dirt. Done, sir. There's an end of it, and that's where we ought to have begun; at that pit, I told Mr. Richards so.

Question. By same. What do you suppose the mine was worth at the time you speak of?

Answer. I am no judge, as for my own part I wouldn't have given much for it, if I had been able to have bought it.

Question. By same. Was the ore you saw washed, selected with much care?

Answer. It appeared it was carefully selected, from the appearance of the pieces in the pan, it was washed just as it was taken out of the pit, not beat or pounded. It was in a soft clayey kind of substance.

The examination of Mr. Payne was here closed.

The board then adjourned until 9 o'clock, Monday. Witness in attendance this day; D. Trego, G. R. Lewis, John W. Payne.

MONDAY, *July*, 28*th*, 1834.

The board met pursuant to adjournment. Present: all the Arbitrators.

John. G. Davis, a witness for the plaintiffs was produced, who being duly sworn, deposed and said, that he is between 27 aad 28 years of age; born and resides in Goochland county, Virginia, a farmer, has known Mr. Nathaniel Richards about 12 months; has not known Mr. Guy Richards until the last spring; probably just knew the defendant Smith last summer.

Question. By Barton. Do you reside in the neighborhood of the Goochland mine, so called; if so, how near to it?

Answer. I reside within half a mile and three quarters of the Goochland mine.

Question. By same. Have you at any time examined the Goochland mine; if so, when, and what was the character and extent of such examinations.

Answer. The last year, soon after Mr. Trego commenced operations there, I made some examinations, and found but little gold in the washings that I made. Do not recollect the exact period of the year, but believeit was in May. It was in that month, Mr. Trego commenced his operations as well as I can recollect. I cannot say how often I have made examinations, but do not recollect any material examinations that I have made until this year. The last spring I commenced some examinations there, in company with Mr. Trego, Mr. Guy Richards and Mr. Beazley, [Here witness produced a diagram of Goochland mine, drawn by himself, and notes of certain examinations, taken, as he said by Mr. Guy Richards on the spot, while Mr. Trego, Mr. Beazley and himself, were getting out the ore, —read afterwards in our presence, and if there was any thing stated objectionable, or not strictly according to our minds, it was expunged—no matter how small the difficulty, if we did not give our hearty assent to it, it was expunged. I afterwards read them over, and have copied only such facts as I know to be true, and am willing to swear that my notes contain only such matters as I know to be true, from my own personal observation.] Thursday, May 8th, uncovered the trench on S. W. side of branch marked No. 2 on my diagram—[see diagram filed, marked M;] and in striking through the crust of the old formation, discovered a thread of vein in the state formation, of three quarters to an inch in thickness—from which four washings

were made, two by John Moss and two by myself, (I was present at both) whichgave a pretty fair yield, they are in paper No. 2, in the possession of William Beazley. The pan was full each time, and would hold about two quarts. When the trench was opened, found it to have been sunk about three and a half feet in depth, in the slate formation, three to four feet in width—opened three or four feet on the course of the vein N. E. found difficulty in pursuing it further on account of the water that pressed in from an adjoining pit, sunk by Trego and Smith last summer, said to have been last August. This pit lies between Nos. 2 and 3, on my diagram, which are some feet apart. I did not measure the distance, (Beazley did, and says the distance sixteen feet. This trench could not have been more than seven or eight feet long, without entering the pit, sunk by Trego and Smith as above.—At which period there was no apearance of a trench. [Witness explained this expression, by saying that he went over to the mine, while Trego and Smith were sinking this pit, and went down into it —he then saw no appearance of a trench having been previously cut there, and hence concluded there had been none.] When the bottom of the trench, No. 2, was laid bare, four washings were made—one of them from three-quarters to one inch vein, before mentioned, pursuing it down to the end of the trench, which gave a pretty fair yield; another taken from the same in the bottom of the trench for a distance of eighteen to twenty inches in length and three or four inches in depth, also a pretty fair washing. [Witness was here asked by Dr. W——. what he meant by a fair washing? In this explanation, he said he judged only by the appearance of the quantity to the eye—that he could not pretend to judge of the proportion per bushel, that would be yielded by looking at the result of a pan washings. These washings are in paper number 1, in the hands of Mr. Beazley. Two other pans-ful were washed from other parts of the vein or formation, selected by John Moss as the best, and only a particle or two of gold was visible in each, these were not saved. These four washings were made by John Moss while I was present. About one bushel of the ore was now taken to obtain an average, from a transverse section of the trench of about four feet. More of it in proportion, however, being taken from the part where the thread ran, from which the best washings above mentioned were made. This ore was taken and put in a house and locked up. The next morning it is said to have been well stirred, but I was not then present. When I arrived, I washed one panful of it and saw no gold. [query. These washings were made of the ore as taken from the vein, not pounded. It was a soft substance. I rubbed it in my hands, and the greater part of it would pulverize by rubbing, but not all. Sometimes it would nearly all pulverize, at others perhaps one and a half pints in two quarts, would not pulverize. In those substances which would not pulverize by rubbing in the hands, I could see no gold, yet it is possible that by pounding and washing them, some gold might have been obtained. I never made the experiment by pounding what is thrown off these washings, and know nothing about it. The washings made at

Goochland mine, were generally made in the way that these were made, that is without pounding, but sometimes when a very exact experiment was wished, they have pounded the ore before washing. I have never seen any pounded more than fine enough to pass through a fine meal sifter.] On Friday, 9th May, opened an old trench on S. W. side of branch at the foot of hill, marked No. 1, on diagram M;) found it to be in length transverse the vein fourteen or fifteen feet, three or four feet wide on the vein, and from four to five feet deep; five pansful were washed in my presence, taken from different parts of the trench, and only one very minute particle of gold was seen, two of the washings were made by Beazley, and the others by John Moss. Saturday, 10th May, having sunk pit number 8, in diagram M, to the depth of twelve or thirteen feet, during the time of which many washings were made, and only now and then a particle of gold was found. A tunnel was driven in to strike the floor of Captain Smith's pit, known as proof pit, and lay bare the vein from which it is said some rich ore was taken and sent to New York. The object was accomplished, the vein laid bare, and exhibited the excavation that had been made to the depth of from four to six inches, and in length twelve to fifteen inches. The vein consists of two threads of three quarters to one inch wide, a few inches apart. The ore was dug out from both threads the whole breadth of the pit, about three feet in the vein, and from three to six inches in depth, five pansful were washed, yielding very little gold, they are in paper No. 3, in the possession of William Beazley.

Question. by Barton. Did you ever pound any of the hard substances that were washed by yourself or others, at the Goochland mine, and if so, did they yield gold, much or little?

Answer. I never did, nor did I see any one else do it.

Question. By Dr. W. Did these threads of veins consist of a substance that would pulverize in washing by rubbing with the hands?

Answer. It would be a difficult matter for me to answer that question precisely, or as definitely as I could wish, as the greater part of the veins would pulverize with the hand, and some of the substances would not.

Question. By same. Can you inform us what substances composed these veins?

Answer. I cannot, I am not sufficiently acquainted with mining terms. It was a streak or streaks of a brownish substance, some parts could be pulverized by rubbiag in the hands, some parts could not, pretty much in the proportion before mentioned. (fol. 65.)

Question. By Barton. When you speak of taking ore from different parts of a trench or pit, describe what you mean?

Answer. I took it from the sides, ends, or bottom, wherever I saw the best prospect of obtaining gold.

Question. By Gray. In your narrative, you state that when you arrived at Smith's proof pit "the ore was dug out the whole breadth of the pit, and about three feet on the vein, and from three to six in-

ches in depth." Was this ore taken from within the opening made previously, or did you open the pit further than Smith had done, and pursue the vein further?

Answer. After we got into the bottom of the pit we saw the excavation that had been made in a small place, as has been before described; we dug down in this place, at the ends, sides and bottom, and took it from every part of the excavation. I am sure we got new ore, it was of a different substance from the surrounding earth; being harder. The persons who had opened the pit, being ignorant of mining, had dug it wider at top than at bottom. We did not open the pit any further than it had been previously opened; but we cut out from the ends and sides of the excavation at the bottom of the pit.

Question. By Barton. Describe the part of the proof pit from which the ore was taken?

Answer. In the S. E. corner in the bottom of the pit, where the vein appeared to be leaving the pit.

Question. What was the inclination of the formation or vein at this point?

Answer. It was thought to be an angle of about forty-five degrees.

Question. By same. Did the veins run with or across the formation?

Answer. I do not know.

Question. You have stated that in some washings which were made of ore at Goochland mine, one and a half pints of hard substance, which could not be pulverized by the hand, was thrown off. Do you not mean to say that from some of the washings which you made and have described in this affidavit, that you threw off one and a half pints of the hard substance that you have spoken of, from a panful holding two quarts?

Answer. I do not. And I will explain my reasons for making the statement before as I did. I mentioned that in some instances, nearly all would be pulverized with the hand, and in other instances, where you would have more of hard substances in the pan, it is probable one and a half pints of it would not pulverize. My object was to touch upon the two extremes. The remark was not meant to apply to any washings that I made at that place.

Question. By same. Did you ever see any ore taken from the pits or either of them, and locked up in a cabin?

Answer. I have.

Question. By same. Do you know why it was put in the cabin?

Answer. I saw no ore locked up in a cabin, except the bushel to make the experiments on that I have spoken of in a former part of my evidence.

Question. By same. Have you at any time seen ore said to be taken by the former proprietors of the Goochland mine, and which was locked up in a cabin?

Answer. I have.

Question. By same. Did you examine said ore, and was it rich or otherwise?

Answer. I did examine it, and saw but very little gold in it.

Question. By same. Did you make any, and if so, how many washings from it?

Answer. I made some washings, but can't say how many.

Question. By same. Why was it put in a cabin, and locked up?

Answer. It is impossible for me to know.

Question. By same. Did either of the proprietors state to you why it was locked up? And if so, what did he say?

Answer. I was conversing with Mr. Hodgson, one of the proprietors, and asked him why it was locked up. His answer was, "you know" or "Oh! You know what effect that is calculated to have abroad." I was conversing with Mr. H. after he had sold the mine, and asked him why he sold it so low as $7,700—(which every body in the neighborhood understood was what Captain Smith gave for it.) His reply was that he was very well satisfied with his sale. I then asked him if the ore was so rich as to justify him in locking it up, if the mine was not worth a great deal more than the sum he sold it for. Some conversation then took place, the words of which I do not recollect exactly, and then he gave the reply that I have stated above.

Question. By same. Did Hodgson speak of the Goochland mine as valuable?

Answer. No, sir, he did not to me. He spoke of it as being valuable for speculating. That he had made money by it.

Question. By same. Do you know whether this mine was used or worked as a surface mine, and if so, with what results?

Answer. I know it was worked as a surface mine, but with what results, I can't say.

Question. By same. Did you make any further examinations of the Goochland mine; if so, when? state what they were.

Answer. I did, on the 8th of the present month, I commenced. Here are some notes made by Mr. Willis, Mr. Beazley and myself. At that time. Mr. Beazley was our Secretary and wrote them under our directions. We cleared the big pit said to have been sunk by Moss and others before Captain Smith purchased it, marked No. 3, on diagram M. It was fourteen feet deep from the formation, or (or as the witness meant) the original surface, seven feet ten inches wide at top, twenty feet long at top, across the formation or vein. The slate formation extended entirely across the pit, that is twenty feet, and may extend much further, (a mile for what I know) fifteen feet six inches at bottom, five feet two inches wide at bottom, this measurement was made by Mr. Beazley and Mr. Willis while I was engaged about my private business. One panful taken from tbe top of the vein, twelve inches across the formation including the vein, contained three or four particles of gold. Washed by J. M. Willis.

One panful selected by D. Moss near same place, considered rich, in paper No. 2, in possession of Beazley, washed by D. Moss: vein from one-half to three-quarters of an inch in width, one-eighth of an inch, containing greater part of the gold. I was looking on very

closely when Mr. Moss was selecting this panful, he would take up parts of the vein, whenever he could see gold with the naked eye in it he would put in the pan, if he saw a piece that he thought was poor, he would throw it down, and it was in this way he filled the pan.

One panful selected by myself, taken from near the same part of the vein, of the same width, supposed to be worth from twenty to forty cents per bushel.

One panful taken from S. E. end of pit, substance decomposed mica slate, from one to three very fine particles of gold, washed by J. M. Willis, paper No. 4. No. 5 taken from near the same place, a white substance, approaching decomposed quartz nearer than any thing else we know, contained a few particles of gold. No. 6 taken from the bottom of the pit, about twelve inches across the formation, including the vein, one or two particles of gold. Washed by J. M. Willis. No. 7 taken from two or three threads of vein on each side of the pit, about six or seven feet deep in the formation, washed by Willis. No. 8 taken from near top of formation on each side of the pit, one or two particles of gold, washed by mysef. No. 9 taken from near six to seven feet deep in the formation and is an average of the formation (by formation here I mean little stripes of veins) including three stripes of veins, two or three particles of gold, very fine—washed by Willis. No. 10 taken from N. W. end of pit, average of two feet across the stripes, washed by myself. I do not know that any of those washings were pounded. Mr. Willis may have pounded some, I did not.

Question. By Dr. W. You have stated the formation of slate, &c. to be twenty feet wide, and spoken of sundry threads of veins from which you took ore, through how much of this formation were these threads of veins disseminated?

Answer. Probably two feet.

Question. By Barton. How wide was each of these threads or veins?

Answer. Different widths, varying from one-sixteenth of an inch, to probably one inch.

The board then adjourned until 8 o'clock, A. M. to-morrow.

TUESDAY, *July 29th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators. The plaintiff John L. Moffat and T. B. Barton—Marye and Botts for defendant.

The examination of J. G. Davis was resumed.

Question. By Barton. Will you state whether the ore that you took from the proof pit and out of excavation, was taken from the vein, in excavation; if so, was the vein at that point descending into the earth?

Answer. It was; in answer to both parts of the question.

Question. By same. Did you make any further examination of Goochland mine? If so, when and what were they?

Answer. We did. We examined the trench N. E. of what is

called the Big Pit, marked No. 4, on diagram M; washed one panful, No. 11 taken from N. E. and of trench, two feet deep in formation. Substance pipe clay, or an unctuous earth called at the Goochland mine marrowfat. A few fine specks of gold. This panful was washed by Mr. Wallis.

No. 12, was taken from near same place in red streaks, said to be the vein, probably the term red is rather too strong; it was a reddish substance, between red and yellow. This panful I washed myself; contained very little gold.

No. 13, taken a little lower down on the inclination of said vein than than No. 12, washed by Willis. (It was impossible for me to examine the yield of every panful, but as they were washed, the results were put into separate papers, numbered and placed in the hands of Mr. Beazley, and will be laid before the arbitrators.)

No. 14, was taken from near the same place, across the formation—saw no gold, this washing was made by J. M. Willis.

No. 15, taken from a little to the right of Nos. 12 and 13, a light colored substance, said by D. Moss to contain gold. Washed by Willis.

No. 16, taken from five or six feet deep in the formation of slate, about two feet across the formation, including the vein—one or two fine particles of gold. Washed by J. M. Willis.

No. 17, taken from bottom of trench at N. E. end in the vein two feet in length, trench seven feet deep in this place, a few fine particles of gold. Washed by Beazley.

No. 18, one panful from bottom of trench further S. W. trench in this place only five feet deep, taken from two feet across formation, including vein. I speak of the vein here, because there was only one of these streaks in which we could discover any gold worth noticing. The result was very poor. Washed by Willis.

No. 19, taken from middle of the trench in the vein, a few fine particles of gold. Washed by Beazley.

No. 20, taken from near top of formation N. E. end of the trench, in substance, pipe clay, or Goochland term, marrowfat, said by John and David Moss to be good, yielded some gold, supposed from twenty to forty cents per bushel. Washed by Willis.

No. 21, two pansful from near the middle of the trench, yielded but very little gold. Washed by Beazley.

No. 22, one panful from a little south of the middle of the trench. Washed by J. M. Willis.

No. 22, one panful selected by George Fisher, jr. from a spot said by Fisher to be rich; contained a few particles of gold discoverable with a glass. Washed by Beazley.

No. 23, one panful selected by George Fisher, jr. on S. E. side of the trench, results poor, said by Fisher to be worth about twelve and a half cents per bushel.

No. 25, selected by George Fisher, jr. selected from the same vein that most of the washings referred to above had been made. Considered a pretty fair washing.

No. 26, one panful from the junction of the big pit and the trench. This washing was a good one. Washed by J. M. Willis.

No. 27, one panful from same place, or a little farther S. W. it was considered rich. Washed by myself and J. Moss. I was very careful in selecting this panful for I was anxious to make it appear as rich as I could. Indeed all the pansful I tried to get the best—every panful that I selected, unless when I took it across the formation to get an average. By far the greater part of this panfui was selected from a narrow thread of vein, probably not more than a half inch wide.

No. 28, one panful taken from near the same place. Washed by George Fisher, jr. I went over to the mine the Monday after Mr. Beazley and Mr. Willis left there, (they left on Saturday evening the 12th of July) for the purpose of getting some of the vein to bring on here with me to show to these gentlemen, [the arbitrators.] See package marked N. Having heard of the quantity of gold that might be made in a day by just washing in a pan, I concluded I would test the matter. I took my pan and a bricklayers trowel, and carefully picked out the vein with the trowel. I commenced washing in the richest part of the vein that I had seen; probably about 3 o'clock in the afternoon, and washed until nearly sunset, got probably twenty-five cents worth of gold. That is all as far as I can recollect.

Question. By Barton. Was the ore now exhibited taken by you from the vein of the Goochland mine? if so, was it selected or otherwise?

Answer. The ore was taken from the vein of the Goochland mine, carefully selected by Mr. Beazley and myself as the best.

Question. By Dr. W. Are the specimens of ore now exhibited similar in character to the hard substances thrown off from the pan in washing, when you washed without first pounding the ore?

Answer. Were I to wash this ore, similar substances would be thrown off, though I believe that nearly all, if not quite all, of what I consider the ore, now exhibited, may be pulverized by washing with the hand. Witness stated further. This ore was selected from the junction of pit No. 3 in the diagram and trench No. 4. We could find no ore as rich as this now exhibited, when we pursued the vein down further on the N. E. side of the pit.

Question. By Dr. W. Do you consider the ore now exhibited as a fair or average sample of that contained in the veins, or threads of veins, in the Goochland mine; if not, why?

Answer. I do not so consider it, because I could find no more that was near as rich. I examined trench, No. 1, trench No. 2, Pit No. 3, Trench No. 4. Pits Nos. 7 and 8, and very partially examined Pits Nos. 5 and 6, and could see none so rich as that which is now exhibited, except what was washed in our recent examinations. We then took all that I saw that was rich. I saw none so rich afterwards.

Question. By Dr. W. How do you form an opinion of the richness of ore, by examining it either with the naked eye or with a glass?

Answer. When I take a piece of ore in my hand, and see a number of particles of gold with the naked eye, I say it is rich, or if I take a

glass and discover a much greater number of fine particles, I say it is rich, if I see no gold at all, either with the naked eye or glass, I cannot pretend to say that it is rich, without making an experiment, unless I have made experiments on ore exactly similar in character.

Question. By Barton. Is the ore now exhibited similar in character to that from which the richest washings were obtained at the mine?

Answer. It is.

Question. By Barton. Were the washings which you have described in this affidavit made in your presence?

Answer. All of them were made in my presence save No. 2, that was taken from trench No. 4, in diagram.

Question. By same. What was the width of the widest thread or vein which you saw at the Goochland mine?

Answer. Gentlemen, I hardly know how to give an answer to that question. The veins were so irregular. It was sometimes the case, not often however, that we would see this streak as much as to two or three inches, or may be four inches wide, for a few inches, and then commence getting narrower until it would not be more than the sixteenth of an inch in thickness, and finally disappear altogether.

Question. By Gray. Why did you make the examination of Goochland mine, of which you have spoken in your affidavit?

Answer. The examinations which were made last year, were made because I felt a deep solicitude about the value of the mine; my reasons for feeling this solicitude, were because I have an interest in a tract of land a few hundred yards N. E. of the mine. I became well acquainted with Mr. Trego last year, and when he and Mr. Guy Richards came to Goochland in May last, they visited me, and from conversations with them, I expected I should be called as a witness in this case; and feeling confident of that, together with a desire to render those gentlemen as comfortable, while they were with me, as I could, which is my usual practice, I deemed it my duty to obtain and give all the information I could on the subject. [The witness having closed his answer, Mr. Guy Richards, who was present, explained that he had never seen witness, until he went to Goochland with Mr. Trego, and that all the recent examinations made by witness were made at his request.]

Question. By Barton. Will you examine the letter of the 21st January, 1833, now shown to you, and say whether it is a fair and just description of the Goochland mine, if not, say in what particulars it is otherwise?

Answer. If it were possible for justice to be done without my giving an opinion upon this subject, I would much desire to avoid it. The reading of the letter has affected me deeply. But if it can't be done without, I must answer. In line No. 14 to 15, at the words "Potter's creek, and a small branch of water passes through the premises." There is no such creek as Potter's creek running through the land. There is only one very small branch that passes through it. Peter's creek is the line on the East. This tract runs to Peter's creek, but no where crosses it. Supposing that it was a mistake in the name

of the creek, I will make a remark on the sixteenth line, which reads as follows, "On the former there was formerly a saw mill." There never was a saw mill on Peters's creek that I know of; nor has there been one on it for the last twenty-five years. In the twenty-fourth line it reads, "upwards of one hundred feet on the vein is developed, which proves to be very rich indeed." I have seen nothing that would induce me to think that this one hundred feet, spoken of here, is very rich. In line thirty-one it reads, "the surface is rich in gold." I consider this expression too strong. Lines thirty-three to thirty-seven it reads, "the formation in which the gold is found is quite wide, a distance in one place of twelve feet, has been cut, and the veins are disseminated throughout the whole formation, in threads of from two to six inches wide." I have never seen the ore found for a distance of twelve feet wide, nor have I seen veins of gold disseminated throughout the whole formation in threads of from two to six inches wide. In lines thirty-eight and thirty-nine, "it has been found to be several feet wider." I have never seen these veins disseminated even to the distance of twelve feet. Line forty, "I cannot but think it of great value." From my examinations I have seen nothing that would justify me in coming to such a conclusion. Line forty-nine to fifty-four, "should the ore continue as rich as it is at present, would be sufficient power to reduce ore enough to yield a very large per centum on a very large capital, for there is ore from this mine that will, without doubt, yield several hundred pennyweights of gold to the hundred pounds." I do not consider that these veins, or threads of veins, were ever remarkable for the richnsss of the ore. I also think that no one could, by working the same on a large scale, make any per centum at all. The words "give several hundred pennyweights of gold to the hundred pounds," is an expression stronger than I could have made. Lines sixty-five and sixty-six, "a very few hands would be able to raise sufficient ore to yield a great profit." From what I have seen, I believe that any number of hands that might be placed there to work the vein, would not clear their board. Line sixty-six to sixty-eight, "should the veins continue as they now appear, and* should they improve, the results must be most splendid." I have never seen any thing at the Goochland mine that would induce me to think that the results would be most splendid from working of that mine. Lines seventy-seven to seventy-nine, "there is several saw and grist mills within from three to five miles of the mines." There is only one saw mill nearer than seven miles of the Goochland mine. At the time of writing of this letter there were several grist mills, [witness requested leave to correct a part of above evidence.] Mr. Charles Dickenson has a small saw mill in addition to the one spoken of, for his own use, worked by horse power, which is about six miles from the mine by the road, and, perhaps, four and a half in a straight line.

*Here an error in punctuation was suggested by Gray, arbitrator, witness said if that were the correct reading he had no remark to make on it; on being requested to make the remark as he intended, he continued the quotation to the end of sixty-eighth line.

Question. By Barton. You have said that you were deeply affected by the reading of this letter, will you explain why?

Answer. Captain Smith is a professor of religion, I have been informed, and I have thought him to be a gentleman. And in reading this letter, it appeared to me that there were things stated that were not the facts. I will further add, that I have felt a good deal of regard for him as an honest man; and from the things that I saw in this letter, or the language of this letter, which would be better, I feel afraid that his character both as a Christian and a gentleman, will suffer.

Question. By Barton. In a conversation before the arbitrators on yesterday, in speaking of your notes or memorandums, you said they contained facts within your knowledge, and made some reference as to your object in stating all the facts you knew, whether they made for the one or the other party, as you felt impartial between them. Will you repeat them that the arbitrators may record them?

Answer. I cannot recollect the precise words that I made use of on yesterday, but the substance was, that I came not here as Captain Smith's witness or Mr. Richard's witness, that I came to testify all that I knew concerning this business, that I would give the facts so far as I was acquainted with them, let them favor whom they might. That is the substance of my remarks yesterday, as far as I can recollect.

Question. By Barton. You have said that there was no saw mill on Peters's creek for twenty-five years. Do you mean to state this positively?

Answer. I do.

Cross Examination.

Question. By Marye. Be good enough to state to the arbitrators, what experience you have had in the mining business?

Answer. I stated in onset that my occupation was farming. I did not mean to say that I was part farmer and part miner. I have had no experience in mining at all.

Question. By same. Should an experieneed miner in whose moral character you had confidence, say that having examined the mine above mentioned, prior to the date of the above letter, that said mine justified substantially the description in said letter, given of it, would your views in regard to the value of the mine, or of the description thereof, as contained in said letter, be changed? and if changed, in what particular?

Answer. Gentlemen, when I make up my mind, I make it from facts as they appear to me.

Question. By same. Be good enough to say, what in your judgment should be the minimum value of ore per hundred pound, to justify mining operations on the Goochland mine, and fix the relative quantity of actual ore of such minimum value in each hundred bushels necessary to be had to justify such operations?

Answer. I have before stated, gentlemen, that I am no miner, have no experience in working a vein, and therefore shall leave the question for a miner to answer, as it would be impossible for me to form any thing like a correct estimate of the ore or expenses of working a mine.

Question. By same. Have you on any occasion weighed or measured any given quantity of ore from the Goochland mine, reduced by yourself or in your presence, and the actual gold from the ore thus reduced?

Answer. I have not, I will further add, that I do not consider guess work as measurement. I saw Mr. Willis pound several pansful and wash, and get what gold there was, I suppose, though sometimes there was very little.

Question. By same. Did you ever make an examination after the above mode, of ore from any mine?

Answer. I never have.

Question. By same. After what rate, in your estimation, would the ore yield per hundred pounds, which you have this day exhibited to the arbitrators?

Answer. I am unable to say. I cannot pretend to form an opinion, unless I have some facts or truths on which to make my mind up upon.

Question. By same. Can you come within twenty or twenty-five pennyweight in the hundred pounds of the yield of said ore?

Answer. I cannot pretend to say.

Question. By same. Can you give the number of cubic feet of actual ore, for every hundred cubic feet of the formation in which such ore is found embedded at the Goochland mine. As far as such ore and formations are displayed in the workings at said mine?

Answer. I cannot, nor do I believe it would be an easy matter for any man to do it. There being but very little regularity of the veins about it.

Question. By same. Can you make an estimate in regard to the above, approximating accuracy?

Answer. I cannot.

Question. By same. Did you ever make an examination of the gross substance discarded by you in any washing for the purpose of ascertaining the quantum of gold, discarded along with such gross substance?

Answer. I have examined it with the glass, and with the naked eye, but never beat it up or pulverized it.

Question. By same. By such course of examination may an estimate be formed of the quantum of gold discarded along with such substance?

Answer. It would be impossible for me to make an estimate though perhaps an experienced miner might. I will add also, in the pebble or hard substances washed off, I have seen no gold. Some fine gold will always go off with the water, in washing a vein with a pan, what relative proportion I am unable to say.

The board then adjourned (half past 3 o'clock, P. M.) until to-morrow morning at 8 o'clock.

WEDNESDAY, *July 30th*, 1834.

The board met pursuant to adjournment.

Present: all the arbitrators. Barton for plaintiff, and Marye and Botts for defendant.

The examination of I. G. Davis was resumed.

Question. By Marye. In your comments on the letter of the 21st January, 1833, lines thirty-three to thirty-seven wherein it is said, that "the surface is rich in gold," you state that the expression is too strong; be good enough to state the data from which you come to the conclusion that this expression is too strong?

Answer. I have repeatedly examined the surface with a pan, and from the show of gold in the pan after washing, have not found it rich, though I am of opinion that a few hands employed there in washing the surface, would rather more than pay expenses. There is a spot on Peters's creek on the tract of land above alluded to, in which I have said that I held an interest, that I had worked for surface gold, by Mr. Kirtley, and this spot was considered not rich enough to justify working, though I believe that enough gold was obtained from it, to pay the expenses of working it. I have washed with a pan at both the Goochland mine, and the place of which we have been just speaking, and consider the Goochland mine not a great deal richer though some richer than the spot above alluded to on Peters's creek.

Question. By same. Be good enough to state the number of acres over which your washings on the Goochland mine land extended, and the contiguity to each other, washings to each other, on each acre? (Witness having misunderstood the question, it was explained by counsel, upon which he said he should give a different answer, as he wished to be to the point. It was therefore agreed by counsel, that the answer to the above question, first given, should be cancelled, and he proceeded.)

Answer. I have washed many pansful at the Goochland mine, in, or taken from many different parts of the surface, extending over probably, not more than one acre or one and a half acres. Cannot state precisely the distances of one spot where I washed from, from another.

Question. By same. What must be the product per hundred pounds of the earth washed at the Goochland mine to defray the expenses of mining operations for surface gold?

Answer. I have never made the experiment on any given quantity.

Question. By same. The 24th line of the letter of the 21st of January, 1833, reads—"upwards of one hundred feet on the vein is de-

veloped, which proves to be very rich indeed." Your comment is, "I have seen nothing that would induce me to think that this one hundred feet spoken of here, is very rich." Be good enough to say, what should have been the minimum size of the vein, and the minimum product thereof per hundred pounds, that in your estimation would have justified the above description.

Answer. Gentlemen, I have before told you several times that I was not a miner, and never reduced one hundred pounds of ore to ascertain. If you wish to know how I judge of the richness of a vein, I will inform yon. When I see a vein that is some ten or twelve inches wide, and can see many particles of gold in this vein, or if I take up a panful of this ore and wash it or reduce it, and can see a smart show of gold, or handsome show of gold, such as I now hold in my hand, and will show if any gentleman wishes, (the specimen was shown and purchased of witness by counsel for fifty cents, marked O, said to have been taken from a single panful.) I say it is a rich vein. I design to convey the idea that the vein should average something like this, to be called a rich vein. Or, if I see a vein that is much narrower, or thinner, and can see gold as above stated, either with the eye or washing with a pan, I say it is rich.

Question. By same. What should be the size of the pan or the number of pounds of ore, yielding the quantity of gold contained in the paper exhibited, and marked O, to authorize the conclusion above stated?

Answer. A pan I suppose must hold something like two quarts.

Question. By same. What is the value of raising and reducing ore per hundred pound?

Answer. I suppose it depends upon the place that you have to take it from, the height you wish to raise it, and the quantity that you wish to raise. I am unable to say what would be the cost of reducing it.

Question. By same. What was the distance of the nearest saw mill from the Goochland mine, standing on the 21st of January, 1833.

Answer. From two to three miles.

Question. By same. Did you not inform Captain Smith, that there had been a mill on Potter's or Peters's creek, and did you not show him a part of the old dam, and is there not a part of that dam standing at this time?

Answer. I am glad the question has been propounded, it gives me an opportunity to explain what I was anxious to have done and would have done, in reading the letter, but thought it probably out of order. I do not think, yea, I am confident, I never did tell Captain Smith there had been a mill on Peters's creek. I did probably tell Captain Smith, that there had been a machine for the purpose of picking cotton on Peters's creek, and more than probable that I showed him the parts of the dam now standing. I think Captain Smith and myself had some conversation on the subject, respecting the stream of water at this old dam, and it appears to me, though my recollection is very faint on the subject, that I remarked to him that the stream was too weak to do much sawing at that place during a summer.

Question. By same. Did not Mr. Trego apply to you, on the part of Mr. Nathaniel Richards, for permission to rebuild the dam, for the purpose of erecting a saw-mill on the Goochland mine tract; and if so, when?

Answer. There was some conversation that took place between Mr. Trego and myself on the subject, but I cannot now state the conversation; though he did, after this conversation, write to Mr. N. Richards on the subject; and Mr. N. Richards's answer to Mr. Trego would probably give a more correct idea of the conversation that took place between Mr. Trego and myself, than I can now give. It took place last year, whilst Mr. Trego was working the mine; month not recollected. I am inclined to think this was after the conversation with Captain Smith; cannot recollect precisely; I guess it was after the 21st of January, 1833; can't be positive, unless I know I am correct.

Question. By same. Please state where, and when you first saw Captain Smith?

Answer. I cannot be very positive, but to the best of my recollection it was at Hedge Hill, in the county of Goochland, in the summer of 1833.

Question. By same. Did the conversation with Trego, above referred to, relate to the proposed erection of a saw-mill on the Goochland mine tract?

Answer. It did.

Here the cross examination was suspended.

Question. By Barton. Will you describe on your diagram the pits and trenches that were open, or had been opened, prior to Captain Smith's purchase of the Goochland mine?

Answer. To the best of my knowledge, they are as follows: Pit No. 1, 2, 3, trench No. 4, 5, 7. No. 7 is generally known in Goochland as the proof pit; and in speaking of it I have called it the proof pit. That is the pit that several of the former proprietors of the mine told me was the pit that Captain Smith had sunk for the purpose of testing the mine.

Question. By same. Which of the former proprietors told you so?

Answer. William Moss, John Moss, and, I believe, the Messrs. Fisher and Mr. Kirtley.

Question. By same. In your washings of surface gold, at the Goochland mine, did you, or not, wash those parts of the mine that were reported to be most rich?

Answer. I did.

Question. By same. In your examinations of the veins at the Goochland mine, did you examine different parts of the mine, so as to form an opinion of the average value of the vein; that is, whether the whole together would be considered rich, or otherwise?

Answer. I did. I considered it poor.

Question. By same. Did you, at your washings at the Goochland mine, find a washing from a panful of ore equal to that exhibited and marked O? (which was from Col. Bowles's mine.)

Answer. The richest washings that I ever made at Goochland mine, is contained in paper No. 27, in the hands of Mr. Beazley. This panful was poundered, and washed as carefully as I knew how to do it. I consider this panful rich. Compare them, and form your own opinion. This is the only panful that I poundered, except paper No. 3, taken from pit No. 3. This panful was carefully selected and pounded by myself; supposed to be worth twenty to forty cents per bushel.

Question. By same. Was the ore from which the result of the washing in paper No. 27 selected, or taken generally from the vein?

Answer. It was very carefully selected from a very narrow thread or vein, probably not more than half an inch wide, which I thought to be rich, for I could see the gold in the ore with the naked eye; and I was anxious to obtain as much gold as I possibly could at that washing, and endeavored to put nothing in the pan but what was rich with gold.

Cross examined by Botts.

Question. Will you state whether there was any, and if any, what quantity of water, there was in the lower workings, viz: of the pit, tunnels, &c. at the Goochland mine, at the time of making the examinations in the present year, heretofore spoken of by you?

Answer. The pits and trenches that I examined in the present year, whilst I was making the examinations, contained but very little water; not enough to incommode us, though we had to take a great deal of water out of No. 3 in diagram. which pressed in, I believe, from Trego's shafts and tunnels. We were taking this water out for some two or three days, at the rate of probably fifty or sixty gallons per minute, until we thought we had nearly emptied or drained Trego's shafts and tunnels, as the water ceased to press in with such rapidity. This water was taken out principally by two pumps, though sometimes drawn up in two buckets additionally.

Question. By same. Were you at Goochland mine at the time Smith purchased it, or had you been there at any short time previous thereto; if so, when?

Answer. I was not at the Goochland mine when Captain Smith bought it. Perhaps I am not correct, gentlemen; I have heard that the mine was purchased at Colonel Bowles's and I am not prepared to say when it was purchased. I was frequently at the mine about that time, but cannot name dates.

Here the examination of Mr. Davis was conluded. [Throughout the examination of this witness, he had been indulged with the use of the notes mentioned in the early part of his testimony. These were now handed to the arbitrators to be filed; marked P, Q, R.]

John M. Willis, a witness on behalf of the plaintiff, was produced, and being duly sworn, deposed and said, he is nearly thirty years old, resides in Orange county, Virginia, a native of New Jersey, has resided in Virginia four years last May, in the counties of Spotsylvania and Orange. A machinist, carpenter, &c. and has been employed at Orange mine since 24th December, 1832. Has known Mr. Guy Richards about two years; known Captain Smith five or six years.

The witness, before proceeding upon his direct examination, requested the use of the notes used by Davis in his examination. The notes made by Beazley, Davis, and witness, marked Q, were allowed him, and he held them in his hand, and read, while he gave his affidavit.

Question. By Barton. You have asked for the notes made by Beazley, Davis, and yourself, marked Q; will you state how, by whom, and when those notes were made, and by whose dictation?

Answer. They were made between the 8th and 13th of July, 1834, at the Goochland mine. When we (myself, Mr. Beazley, and Mr. Davis,) would take a panful of dirt or ore, then notes were made. As we proceeded in collecting those pansful before alluded to, when we commenced washing thus, (the pansful were first numbered,) the result of each panful was marked to its original number, in the presence of Mr. Beazley, Mr. Davis, and myself. The notes were made by the hands of Mr. Beazley. They were made at the time the operation went on. They were made by the dictation of all three of us; all of us together.

Question. By same. Do those notes now before you, contain the truth, known to you to be so?

Answer. I believe them to be the truth.

[The witness was shown Trego's diagram, by Barton. To the explanation that one part represented the old workings marked A, he replied, "I know nothing of the old workings, except one trench and pit."]

Witness was requested to make a diagram of his operations at Goochland mine, which he did, and referred to in his affidavit, marked S.

Question. By Barton. Will you state what examination you made at the Goodhland mine; state what pits, trenches, &c. which were, if any were, examined by you, and the extent and result of each examination?

Answer. I examined pit No. 4, depth, length, and width. The pit, I think, was twenty feet long at top, fifteen feet six inches long at bottom; average width at bottom, five feet two inches; seven feet ten inches at top; fourteen feet deep from the top of the formation. I examined trench No. 5: twenty feet in length, four feet width; average, four feet; depth at south end, from three to four feet; depth at north-east end, in formation, seven feet six inches. One panful taken from the top of the vein, across the formation, twelve inches, including the vein. That panful was taken from the

junction of the pit and trench; contained three or four particles of gold; washed by myself. One panful selected by D. Moss near the same place, considered rich; in paper No. 2, washed by D. Moss. The vein that contained the gold, from a half to three-quarters of an inch; one-eighth of an inch containing greater part of the gold. One panful selected by I. G. Davis, taken from near the same place; vein same width; supposed to be worth from twenty to forty cents per bushel; washed by I. G. Davis. No. 4, taken from S. E. end of pit; substance, a decomposed mica slate; from 1 to 3, very fine particles of gold; washed by witness. No. 5, taken from near the same place; a white substance approaching a decomposed quartz; a few particles of gold. No. 6, taken from bottom of pit, about twelve inches across the formation, including the vein; one or two particles of gold; this was taken at the very bottom of the large pit, from an old excavation of the vein; washed by witness. No. 7, taken from three threads on each side of pit; from six to seven feet deep in formation; washed by I. M. Willis. No. 8, taken from near top of formation, on each side of pit; one or two particles of gold; washed by John G. Davis. No. 9, taken from six to seven feet deep in formation; an average of the pit, including three stripes of veins; two or three particles of gold, very fine; washed by Willis. No. 10, taken from near N. W. end of pit; average of two feet across the formation; (in paper No. 10;) washed by Davis. No. 11, one panful from N. E. end of trench; two feet deep in formation; substance, pipe clay, or an unctuous earth called at the Goochland mine, marrowfat; a few fine particles of gold; washed by witness.

It having been suggested by the arbitrators, that the deposition of Mr. Willis was precisely that of Mr. Davis, so far as each used the memorandum of the examinations made by Davis, Willis, and Beazley, marked Q, and as that paper is filed as evidence, the further examination of the witness touching that examination, might be dispensed with. It was assented to by counsel for plaintiff, and the examination proceeded with the following

Question. By Berry. Have you carefully examined the memorandum before you, marked Q; if so, was it made in such a manner as to enable you to testify to the truth of the matters stated in it? Are you willing that it shall be taken as your affidavit?

Answer. I have. It was. I am.

Question. By Barton. Did you pulverize the ore which you washed at the Goochland mine!

Answer. I did not make it to an impalpable powder, but I made it as fine as is customary to reduce ore in washing. I reduced it with a hammer in the pan, by grinding it.

Question. By Barton. Was the ore hard or soft?

Answer. It was of a soft character.

Question. By Barton. Was there any portion of it that could not be pulverized by the hand; if so, did it contain much gold, or not?

Answer. There was a small portion of it that could not be pulverized with the hand. It did not contain a great deal.

Question. By same. What proportion of a panful of ore could not be pulverized with the hand?

Answer. If the three-quarters of an inch veins were all selected, perhaps there might be from a pint to a quart in a pan of two quarts. That part which was soft, and could be pulverized with the hand, contained the most part of the gold.

Question. By same. Did you examine pit 4 throughout; that is, in all parts of it where the veins of gold could be found?

Answer. Yes sir, I did.

Question. By same. Did you examine trench five in same manner?

Answer. I did.

Question. By same. What was the width of the formation in these pits?

Answer. There was a width of various colored streaks, that varied from eight to twelve inches wide. On each side of that was a lighter colored streak between that and the slate formation, from four to six inches in width. The three quarter inch streak or vein was on the south side, generally speaking, of the twelve inch streak. The slate formation was the whole width of the pit and trench, as far as they were opened.

Question. By same. What space in the formation was occupied by the veins or threads of veins?

Answer. The thread where we for the most part found gold, was generally from one-eighth to one-half inch, in some places. In the S. E. end of the pit was a streak of decomposed mica slate, which contained little or no gold. I generally found but one thread that showed gold in the vein to the eye.

Question. By same. How wide was that part of the formation which contained veins, or threads of veins?

Answer. That part was from twelve to eighteen inches; perhaps in some places might have been two feet.

Question. By same. Was the ore washed by you, selected? that is, the best of the ore selected, or was it taken generally from all parts of the vein?

Answer. The best was selected, with the exception of two or three washings that have been referred to, that were taken across the formation.

Question. By same. How many pennyweights per bushel would the richest ore, washed by you, produce?

Answer. One panful washed by me, I would judge the two quarts would yield one pennyweight of gold.

Question. By Barton. Did you examine the pit and trench spoken of, so as to form a judgment of what would be the yield, on an average, per bushel? if so, what was the result?

Answer. I examined twenty feet of the vein in the trench; I found no gold of any note, except about two feet at the junction of the trench and pit. Also examined the vein down the side of the pit, next the trench, across the bottom of the pit, and on the opposite side of the pit. Found no gold in that of any note, except at the junction.

considered the length of vein, that I examined, not worth any thing, except that two feet.

Question. By Barton. Will you examine the letter of the 21st January, 1833, now shown to you, and say whether it is a fair and just description of the Goochland mine; if not, say in what particulars it is otherwise?

Answer. There is a portion of this letter that I can say neither way about, not being acquainted with that section of the country. Lines fifty-three and fifty-four, "there is ore from this mine that, without doubt, would give several hundred pennyweights of gold to the hunhundred pounds." I say that I did not see any ore, when I was there, in the pit and trench that I examined, that I thought would give that quantity of gold. The richest washings that I saw made, might yield fifteen or sixteen pennyweights to the hundred pounds. As to the location for an engine, that is correct. As for the distances from the place here mentioned, that I don't know. Lines thirty-four and thirty-eight, "as far as the mine has been developed, it presents the most flattering prospects, as the formation in which the ore is found is quite wide; a distance in one place of twelve feet has been cut, and the veins are disseminated throughout the whole formation in threads of from two to six inches wide, and in many places have several concentrated together." In the pit and trench that I examined, I did not see any that was disseminated throughout the whole formation. They appeared to be in the formation, as I have stated before. I believe have nothing more to say about it at present.

The board then adjourned, 7 o'clock, P. M. until 8 o'clock, tomorrow.

THURSDAY, *July* 31*st*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators; the plaintiff, J. L. Moffat, Barton and Berry, for plaintiff, and Marye and Botts, for defendant.

The examination of J. M. Willis, was continued.

Question. By Barton. Have you been in the habit of washing and assaying ore?

Answer. I have been in the habit of doing both. I have washed and assayed ore from various mines in Virginia.

Question. By same. Have you had experience enough, in examining veins, to form a correct judgment of their value?

Answer. Yes sir, I can tell the value of ores, by washing and assaying.

Question. By same. Do you think the character of the veins at Goochland mine such as to render it valuable, or that it promised durability? Was it a well defined vein, or not?

Answer. I do not think it was, from what I saw of it; that it promised durability of richness; I should think it could hardly be called a well defined vein.

Cross Examination.

Question. By Marye. Be good enough to state what mines you are familiar with, and the opportunities you have had of acquiring information in regard to gold veins?

Answer. I am very familiar with the Orange mine; the White Hall mine. I have visited several mines in Culpepper. I have washed and assayed ores from several mines in Culpepper and Fauquier, together from a mine in Louisa; it goes by the name of Walton's mine, in Louisa. Richards's mine, in Culpepper; I have assayed ores from that, and Stringfellow's mine, and Smith's mine, in Stafford. I have made a number of assays at the Orange mine. I have assayed enough to satisfy myself, that if there is any gold in a rock, I can extract it from it.

Question. By same. What are the substances in which gold is found embedded, in each of the mines of which you have spoken; or, in other words, what are the constituent parts of the ore from each separate vein?

Answer. Gold is found at the Orange mine, in slate and pyrites, combined with sulphur, iron, and gold. The mine at Stringfellow's, gold is found in slate, combined with iron pyrites. At Richards's right, in Culpepper, gold is found in a honeycomb quartz rock, combined with some iron pyrites. It is also found at Richards's, in a substance mostly iron, or a good part of it iron. At Smith's mine, in Stafford, gold is found in a quartz rock, combined with pyrites. Walton's mine, in Louisa, it is also found in a quartz rock. It is also found in a substance, combined with iron and quartz rock. At White Hall, gold is found, by washing the surface. I have also seen gold there, combined with quartz rock.

Question. By same. What are the component parts of slate, quartz, and pyrites?

Answer. I am not acquainted with mineralogy enough to tell you that; I am merely acquainted with the practical part.

Question. By same. How many kinds of veins of gold are known in mining? please give their number, names, and the characteristics of each?

Answer. There are veins known as gold veins, and there are surface mines. Gold is found in various substances in veins, but I didn't know there was more than one kind of gold vein. The idea I intend to convey, is not to mean to identify them by any other name than a gold vein.

Question. By same. Is there any difference between the gneiss and elvan rock; and if any, in what does it consist?

Answer. Why, there is a difference, but I am not acquainted well enough with the terms, to describe it to you. I don't profess to know the substahces that these rock are composed of, as I before said.

Question. By same. Is there any, and if any, what is the difference, between mica slate and talco slate?

Answer. Talco slate is of a harder nature, and frequently contains

gold. Mica slate is of a softer nature, very light, and very seldom contains gold.

Question. By same. What is the difference between pyrites and sulphuret of iron?

Answer. Sulphuret of iron is generally found in larger squares, larger pieces. Pyrites is generally found mixed with slate, sulphur, and iron; sometimes in quartz rock. Sulphuret of iron is found in the same substances, but in larger cubes or squares, and contains less gold than the pyrites.

Question. By Dr. W. You say you are in the habit of assaying ores; please give us an account of the process you usually adopt?

Answer. Take the quantity, reduce it fine, mix it well together, first sifting it through a fine sieve. I thin it, or dry the portion that is to be assayed, mix it with a certain portion of borax and sal æratus, a portion of litharge and charcoal powdered fine, mix all parts well together, put it into a crucible, flux it or heat it, until it becomes sufficiently fluxed, that is, until the flux becomes sufficiently thin, then turn it into an iron mould, the litharge settles in a button at the bottom. Then take that button and put it in a small cup or cupel, made of boree-ash, then put into an iron furnace, give it a sufficient heat to evaporate the litharge, the gold, if any, remains in a small button in the cup. This is the process.

Question. By same. Please give us the rationale of this process, or, in other words, explain why the gold is extracted by this process?

Answer. When the substances become sufficiently heated, it becomes a fluid; all parts are well mixed, and boiled together; the gold and litharge congeal together, or amalgamates, and when turned out becomes cold, and is merely a lead button. Then, by putting it into the cupel and air furnace, the heat destroys the lead. Gold being a pure metal, the fire has no effect upon it; it remains in the cupel. If I fail in one instance in trying, I generally add a little more of the flux of one kind or another, whatever kind of flux it may appear from the flux, after it is poured out, it may need. If I fail generally two or three times, I then conclude there is no gold in that ore.

Question. By same. Why do you use borax, sal æratus, and charcoal; and why would not the process be complete without those articles?

Answer. Those ingredients, combined together, form the flux. Those articles destroy the other substances, if the gold is coated with any, and leaves the gold and litharge in the flux.

Question. By same. Did you ever assay any of the ore from the Goochland mine? and if so, with what results?

Answer. I don't think I ever assayed any from the Goochland mine.

Question. By Marye. From your recollection, what is the distance between letters I, and O, on diagram No. 1, (document S?)

Answer. About from four to six feet; couldn't say positive, either way.

Question. By same. What is the distance between O and P, on the same diagram.

Answer. Between from fourteen to fifteen feet, may be a little more or less; can't say.

Question. By same. Should the black line drawn from the letter A, on the same diagram, represent the location of the vein, or strata of mica slate, which you stated on yesterday to have noticed in the S. E. corner of the pit, contains a little gold, please state the distance between the letter A and P, on said diagram?

Answer. The distance I cannot say positively, somewhere within, perhaps, from six inches to two feet. That's my impression at present. It may be more or less.

Question. By same. Did the strata, of which you spoke on yesterday, of from eight to twelve inches in width, having on each side of it other strata of a yellowish substance, about six inches wide, and the small rich thread from which you obtained the richest washing of gold, lie between the letters O and P? or between the letters I and W, on said diagram?

Answer. It lies between I and O.

Here the examination of I. M. Willis was concluded.

Buford Kirtley, a witness for the plaintiff, being duly sworn, deposed and said, that he is thirty-two years old, resides in Goochland county, born in Madison county, Virginia, farmer principally; two or three years back came to Goochland, and has since followed washing surface gold. I see Mr. Guy Richards, for the first time, sometime last spring, when he and Mr. Beazley were there. First became acquainted with George Richards last spring, in this place, [May.] First saw Captain Smith, when he first visited the Goochland mine, fall of 1832, previously to his purchase of the mine.

Question. By Barton. Are you acquainted with the Goochland mine; if so, will you state how you became acquainted with it, and what you may know about it?

Answer. I am acquainted with the Goochland mine. I purchased an interest in the Goochland mine, and worked there occasionally. Was there at the sinking of the first pit, the large pit, eighteen or twenty feet deep, I think; saw, in that pit, sir, while they were raising the ore, some very rich gold, sir, at the depth of about eight or ten feet, or twelve; from that depth down, not so good. This ore we raised and put in a cabin, then we commenced on a trench N. E. of the main pit, extending up to the pit. That ore was taken and hauled to a branch about half a mile off, and washed. We washed three days. I was present two days out of the three; made each day about sixty to sixty-five pennyweights of the amalgam; after that we commenced on a trench S. W. of the main pit; the ore was also rich in that trench. That ore was thrown out and washed. I was not there when it was washed. Another pit, sunk on the N. E. of the trench on the N. E. of the main pit; I do not recollect the distance; I see no gold taken from that pit. Captain Smith was there when we attempted to take the water out of the mine pit, this

large pit, with a view of looking into it, he said, at the bottom. We went on very slow in getting out the water. Captain Smith said, if we would cut a pit on the far *far* side, on the S. W. side of the branch, and show him the vein there, we need not take the water out of the main pit. We cut a ditch on the S. W. side of the branch, I do not know how deep, it was shallow, it didn't take long; found no gold in that trench. I was at work in the trench on the S. W. side of the main pit. I heard Captain Smith say, if we could find clay in quatz rocks, he wouldn't give it for clay holes. Then they went to mark off the proof pit, what they call the proof pit; the one Capt. Smith laid off to open; there I see a very rich panful of earth washed by Mr. Fisher; couldn't call it ore; it was rather a slate, soft substance. This gold was weighed, between six and seven pennyweights, I think, of the amalgam. After that I was not at the place until the evening that Mr. Smith purchased the mine.

Question. By Barton. You have stated that some ore was put in a cabin—what became of it—was it rich?

Answer. I divided that ore among the parties, after Captain Smith purchased the mine. I washed four seventh's of it. I got between forty and fifty dollars out of the four seventh's. I only pounded such of the ore as I could see gold in. The balance was thrown by—I don't know what was in it. I don't know whether the ore was rich or not, I don't know how much there was.

Question. By same. What quantity of ore was in the cabin?

Answer. I can't possibly tell. I did not measure it.

Question. By same. What was the size of the cabin?

Answer. I suppose it was about ten by twelve feet, about six feet from floor to joist.

Question. By same. Was it filled with ore, or half full, or how full was it?

Answer. It was full up to the joist, leaving room for the door to open.

Question. By same. Did you consider the ore you washed which was taken from the cabin very rich or otherwise?

Answer. No, sir, I did not, didn't consider it rich.

Question. By same. Why did you throw away a part of the ore as you have stated?

Answer. I didn't think, sir, it was worth pounding up.

Question. By same. Did you at any time pound up any ore of a similar kind to that thrown away, if so, with what results?

Answer. Yes, sir, I did. Found some little gold in it, sir.

Question. By same. Was such ore as that last described, worth the trouble and expense of reducing it or not?

Answer. I don't think it was, sir.

Question. Dr. W. You were one of the owners, and of course in the secrets of the establishment; you can therefore tell us whether that ore was put into the cabin because it was considered valuable by the proprietors, or for the purpose of impressing the public favorably to the mines. Will you be pleased to say for which of these reasons the ore was put into the cabin?

Answer. Mr. Fisher was the manager of the mine, and this ore was put in by his direction. I can't tell, sir, what it was put in there for.

Question. By same. Do you know whether Mr. Hodgson directed or requested Mr. Fisher to have it put there?

Answer. I do not, sir.

Question. By same. Did you ever hear Hodgson express an opinion of the value of the ore in the cabin, or of the value of the Goochland mine?

Answer. No, sir, I never did.

Question. By Barton. You have stated that from three days' washing of the ore from the trench on the N. E. side of the big pit, sixty to sixty-five pennyweights of the amalgam was obtained per day. Will you state what it was worth per pennyweight, or, what was the value of the gold obtained from these washings of three days?

Answer. It was thought, sir, to be worth about forty-five cents per pennyweight in the amalgam.

Question. By same. Will you state how many hands were employed in this washing, and whether it was washed with a pan, a rocker, or how?

Answer. I think there was six hands, sir. It was washed in a rocker, sir.

Question. By same. You state that you saw some rich ore taken from the proof pit, and that a panful produced six or seven pennyweights of amalgam; what was it worth per pennyweight?

Answer. It was worth about as much as the other, sir, forty-five cents, it was estimated at that.

Question. By same. What quantity was washed in that panful?

Answer. The pan was full and I suppose would hold one and half gallons or two gallons.

Question. By same. Where did you obtain the richest panful you ever washed at the Goochland mine?

Answer. It was that panful, sir, from the proof pit.

Question. By same. What part of the proof pit was it taken from, and how deep from the surface of the earth?

Answer. About the centre of the pit, sir, five or six feet from the surface of the earth.

Question. By same. Was it taken from what is called the vein?

Answer. It was taken, sir, between the stratum of gravel and the formation of slate.

Question. By same. Were there any other washings made there, and at that time; if so, with what results?

Answer. Yes, sir, I made a wash myself with a small pan. The gold, sir, was not weighed that I washed. I thought, sir, it was something like as rich as the other.

Question. By same. Was there any more washings made there, and then?

Answer. Not that I know of, sir; I didn't see any.

Question. By same. How much ore as rich as you have described above, have you seen at the Goochland mine?

Answer. Very little, sir, in that pit was as rich as that. I don't think there was any at any other pit that was as rich, not by the panful, you might pick out some small pieces, if you could get enough of them to make a wash, would make a better wash than any that was washed.

Question. By same. Suppose you had tried, how much, that is what quantity of ore, how many bushels could you have picked out of the veins you have seen which would be as rich, or richer, than the panful above spoken of. I mean, before the mine was purchased by Captain Smith?

Answer. Why, sir, I don't think there could have been a great deal, I cant say what quantity.

Question. By same. Did the ore which was found in the proof pit of which you have spoken, look like that which was taken from the deep pit and other trenches?

Answer. No it did not. There was other ore taken from the proof pit which I did not see.

Question. By same. Was the whim house pit sunk near the proof pit? if so, on which side of the proof pit?

Answer. The whim house was built N. E. of the proof pit. The proof pit had been filled up, but I know pretty well where it was. The S. W. side of the whim house came nearly over the edge of the proof pit, just inside of whim house on the N. E. side of the proof pit. I was there and saw Mr. Beazley sinking this pit, called the whim house pit. I suppose it was inside the whim house.

Question. By same. Will you state how many pits and trenches were open at the time of Captain Smith's first visit, including those opened while he was there?

Answer. I don't know that I could tell how many there were.

Question. By same. Will you describe such as you can recollect, and say how wide across the vein each was?

Answer. The largest pit, the first one opened, I reckoned, sir, that was seven or eight feet wide. The trench on the N. E. side I reckon was two or three feet wide, and the trench on the S. W. side about the same width as well as I can recollect; I never measured the pits.

Question. By same. Will you state how many feet on the vein the pit was cut, and so of each of the trenches spoken of above?

Answer. The pit was about seven or eight feet, and the trenches I suppose twelve or fifteen each. Pit eighteen or twenty feet deep, trenches did not measure.

Question. By same. Did you ever see Captain Smith examine any of the ore in the cabin?

Answer. No, sir, I never did; but he might have done it when I was not there. I was at work in several places, sometimes in one place, sometimes at another.

Question. By same. Did you ever see Captain Smith before or at the time of his purchase, in either of the pits or trenches; if so, in which of them?

Answer. I never see him in none of the pits or trenches.

Question. By same. How wide was the threads or veins from which the ore was taken?

Answer. The threads were quite narrow, I could not tell what width.

Question. By same. What space of the formation was occupied by the threads or veins of gold?

Answer. I would suppose, sir, between two and three feet.

Question. By same. What was the width of the whole formation in any pit examined by you?

Answer. I don't know what width the formation was. I never measured it.

Question. By same. Do you believe the vein exposed to view before or at the time Captain Smith purchased the mine, would yield gold to the value of $9,000?

Answer. Why, sir, I couldn't tell what it would yield.

Question. By same. How much was all the ore washed by the former proprietors, of whom you are one, worth. If you cannot speak accurately, come as near as you can?

Answer. I kept no account of it, and I could not tell how much.

Question. By same. Will your recollection serve you to state whether from the vein gold washed, the said proprietors got $500, or $1,000, or (plus or minus) more or less?

Answer. Why, sir, I don't think they obtained $1,000. I can't say what. That's as far as I can go.

The board then adjourned until 4 o'clock, P. M.

4 *o,clock, P. M. July* 31*st*, 1834.

The board met pursuant to adjournment.

Present as in the morning. The examination of B. Kirtley, resumed.

Question. By Barton. Did you ever work for surface gold at the Goochland mine, if so, when?

Answer. The company, of which I was a member, worked there for surface gold, just before Captain Smith purchased the mine.

Question. By same. Do you recollect how long they worked, and with what results?

Answer. They worked only a few days. Gentlemen, I feel rather at a loss as to that matter. I will explain myself to you. Myself and Mr. Fisher and his two sons were in partnership in the mine. I married Mr. Fisher's daughter. Mr. Fisher, senior, kept the accounts. He rendered no account to me of what was the expense or profit, nor any thing of the kind. Whenever me or his sons wanted money, we got it of him. He never accounted to me.

Question. By same. Do you know if any of the pits were covered up, immediately after the purchase by Captain Smith; if so, state what you know?

Answer I do not, sir.

Question. By same. Were the pits and trenches of which you have spoken, or either of them, subject to be overflowed by the branch?

Answer. Yes, I think they were. The main pit and S. W. trench were. The others, I would suppose, were not.

Question. By Barton. Was there any saw mill on the land called the Goochland mine tract, at any time within your knowledge? or, was there any saw mill in the neighborhood; and if so, how far from the mine?

Answer. There was no saw mill on the Goochland mine tract that I know of; there was a saw mill, sir, about two or three miles from the mine.

Question. By same. Read the letter of the 21st January, 1833. From what you know of the Goochland mine, is that letter a fair and just description of it?

Answer. I don't think it is, sir.

This board then adjourned until to-morrow morning, at 8 o'clock.

FRIDAY, *August* 1*st*, 1834.

The board met pursuant to adjournment.

Present: all the arbitrators. The plaintiff J. L. Moffat and his counsel. The defendant Smith and his counsel.

William Beazley, a witness for the plaintiff being duly sworn, and interrogated, deposed and said, that he is a *a* native and resident of Spotsylvania county, Virginia, forty years of age. By profession a farmer and mechanic in machinery, &c. and for several years past engaged in gold mining. Became acquainted with plaintiff Guy Richards, in May, 1833; with George Richards about twelve months afterwards, say in last May, 1834. Became acquainted with defendant Smith in the year 1830.

Question. By Barton. Have you visited the Goochland mine? if so, when and what examinations did you make, and with what results?

Answer. I visited the Goochland mine in early part of May last, cleared trench No. 3. marked on diagram (T.) Found it to have been sunk three to four feet deep, about three to four feet wide, and about four feet in length, but was obstructed by water and did not pursue the trench farther, though these were signs of its having been cleared farther. Made some washings a little below the top of the formation, in the thread of a vein from three quarters to one inch in width, made a pretty fair yield in gold, this washing was reserved and put in a paper that I have in my possession, marked 2, of the first examinations. This was the result of four pansful of a half a gallon each, two washed by Davis and two by Moss.

The witness having referred to written memorandums.

Question. By Gray, arbitrator. What writing is that you hold in your hand, and from which you are reading?

Answer. In making our examinations at the Goochland mine, viz. Mr. Trego, Mr. Davis, Mr. Guy Richards and myself being present and engaged in the operation; we thought it necessary to take a memorandum of the size, length, depth and width of the pits, and from what points the different pansful were selected that were washed.

We being engaged in the washing part, and also having to attend to the laborers that were engaged, Mr. Richards undertook to keep or set down said notes. We selecting of the ore that was washed the description of the pits, and Mr. Richards making the entries of those notes by our direction, and in our presence. The notes were examined at night by all parties present, after operations ceased. Found to be correct, of which this paper mentioned, is an extract. This extract was copied off since the last examination from a true copy of the original. The last examination was in July, this extract was copied say within the last week. [Here a short interruption took place, the witness resumed.] As respects this paper spoken of, gentlemen, I had not looked at it, except to see where No. 2, was taken from. That is all the use that I made of it. I intend to refer to this paper for particular occurrances that took place at the examination, such as, the points where pansful were selected from which the washings in these papers were made, the description of the pits, &c.

Question. By Berry. Will you proceed now with a statement of the examinations made by you or in your presence?

Answer. One panful was taken from the bottom of the trench (No. 3,) from a vein three quarters of an inch in width; one other washing was made from a vein at the S. E. end of the trench from the bottom of the pit, up to where No. 2, was taken from, each were put in paper No. 1, first examination. An average across the trench including the vein, was then taken out and well mixed, three or four pansful were then washed, I cannot say what, without referring to the memorandum, [witness being permitted to refer to the memorandums, said it was three pansful, one by Davis, one by Trego, and one by myself, one of which pansful yielded a few particles, another a very fine particle only, the other nothing at all. One other panful was then selected from a little on one side of the vein, selected and washed I believe by John Moss, contained only a few particles of gold, and was I believe thrown away. Those that we took no account of were thrown away. Trench No. 2, was then cleared, found it to be from fourteen to fifteen feet in length, across the formation or slate, three to four feet wide, and about from four to five feet deep I think. Several pansful, believed to be about five, were selected and washed, only one very small particle of gold was found. It was doubtful whether that particle was not left in the pan from a previous washing. I then sunk a pit No. 9, on diagram, in the whim house, on the N. E. side of, and near to, what was said to have been Captain Smith's proof pit. Said pit was sunk about twelve to thirteen feet deep. During which time many washings were made, yielding very little or no gold. A tunnel was then driven (from No. 9,) to intersect the floor or bottom of No. 8, (called proof pit.) On arriving at the floor of No. 8, discovered a small excavation near the S. E. corner, extending on the vein twelve or fifteen inches. After said excavation was cleared out, two parallel threads were discovered in the bottom, of said excavation from four to eight inches apart, out of which threads of veins, several pansful were taken from four to six inches deep, extending across the end of said pit and washed, could not state the number of

pansful, but believed to be from four to six. They are in paper No. 3, first examination. As far as I recollect at present, that closes the account of the examination in May, called the first examination.

Question. By Barton. Did you make any further examinations, if so, when, and state particularly what places were examined, describe their length, width and depth, the extent of the formation, the number of veins, if any, their size, what space of the formation they occupied, whether you did examine each place thoroughly, and if so, did you make washings, and the number and results?

Answer. I visited the Goochland mine in July last 1834. Examined pit No. 4, trench No. 5, on Diagram T, found said pit to have been sunk about fourteen feet deep in formation, twenty feet in length, or about twenty, between seven and eight wide at top, do not recollect the width at bottom accurately; but believe it would average about four or five feet, the length at bottom about fifteen or sixteen feet probably. Here is the original memorandum that I took at the time of the examination, made on the ground, at the spot, which says fifteen feet six inches. One panful was selected and washed by J. M. Willis and J. G. Davis, yielding but very little or no gold, could not positively say which. One other panful selected and washed by D. Moss in my presence, considered good, cannot say whether in paper No. 1 or 2, without looking at the memorandum, [having looked at memorandum] it must be No. 2. second examination that it is in ———— (Witness here referred to document marked 2, which he said was a true copy made by himself from the original rough memorandum above spoken off.)

One panful selected and washed by J. G. Davis, supposed to be worth from twenty to forty cents per bushel. This panful was selected near the same place as the one selected by D. Moss. One panful selected from east end of the pit, produced a few very fine particles of gold, from one to three. Some discovered one, some discovered three. One other panful selected a little below the previous panful, cannot say whether it yielded any gold from recollection, but believe it yielded none (discovered by looking at the notes that it yielded a few fine particles.) One panful taken from the bottom of the pit yielded but very little gold. Several other pansful were selected and washed from the bottom on each side, to near the top of formation, cannot recollect the number without a reference to my notes. Some of said pansful containing very little gold, and none of which were rich. For farther particulars I must refer you to the notes made and signed by me marked 2. These notes were also signed by J. M. Willis and J. G. Davis. They were present during the examination.

Question. By Barton. Do those notes contain a true statement of the examinations made by you so far as they do contain a record of them. Is there any thing in the said notes that you do not know to be true, and *and* if so, state what it is?

Answer. There is nothing contained in these notes, but what I know to be true. Having taken the copy from the original very shortly after the examination when all were fresh in my memory, and have compared them more than twice with the original

Question. By Barton. Did you preserve any other results of the washings made in pit No. 4, than those previously referred to; if so, refer to the numbers of the papers containing them?

Answer. I did, Nos. 7 and 10.

At 2 o'clock, P. M. the board adjourned, to meet at 4 o'clock, P. M.

4 *o'clock*, P. M. *August* 1, 1834.

Present as in the morning. The examination of William Beazley continued.

Question. By Barton. Will you continue your answer to the previous question about farther examinations, &c. at the Goochland mine.

Answer. Cleared trench No. 5, found it to be twenty feet in length, average about four feet in width, seven and a half feet deep at the N. E. end, three to four deep at the S. W. end, selected a panful from the N. E. end and washed it, about two feet deep in the formation. Substance was an unctuous clay, a few fine specks of gold was the result. One other panful selected out of the red streak said to be the vein taken from the near said place. Result was very poor. Another panful taken a little below the previous panful in said streak, result in paper No. 13, of second examination. One other panful taken across the formation to obtain an average at that point, including the vein, no gold discovered. Another panful taken from a little below, and to the right of Nos. 12 and 13, result in paper No. 15. No. 16, taken five to six feet deep in formation, and across the formation as in No. 14, to obtain an average. One or two fine particles of gold. No. 17, taken from seven feet deep in formation, and about two feet on the vein longitudinally with the vein [Witness here declared that he could not go through with the washings without reference to his notes. It was suggested by an arbitrator that the notes being admitted as true, the reading was needless.]

Question. By Barton. Are you willing that the notes marked Q, should be taken as your answer as far as they go, to the preceding question, and do they contain the truth?

Answer. I am so willing that they should be taken as part of the answer, and they contain the truth. The formation containing the threads of veins was from one to three feet in width. The said formation contained from one to three threads generally, irregularly disposed. Said threads from three quarters to an inch in width. The said pits and trenches were thoroughly examined, or so much so as could be done by washing with a pan. Though in all our examinations, except when trying to obtain an average, we endeavored to select the best substance, or the substance likely to contain the most gold. But we made washings from every part of the vein that was exposed. I don't recollect any other inquiry in the question.

Question. By same. Was there any other result of washings than that delivered by you to the arbitrators reserved; if so, state their numbers, and state in whose possession all the results of the washings

have been since they were obtained, and whether they have been carefully preserved or not?

Answer. There was no other washings retained during the examination, other than those delivered to the arbitrators, besides those heretofore delivered and numbered, here are the results 22, 25, 26, 27, and 28. I took them all into my possession where they have remained ever since, until the delivery of them now made to the arbitrators, and they have been carefully preserved.

Question. By Barton. Was the vein seen by you at Goochland mine well defined or not?

Answer. I do not consider it to be a well defined vein.

Question. By same. What do you suppose would be the yield per bushel of the richest panful of ore that you ever saw washed at the Goochland mine?

Answer. I am not prepared to give any thing like an accurate estimate of the yield per bushel. The last panful that was washed, it being late in the evening, did not examine it so particular as to its richness, but believe it would yield not less than fifteen to twenty dollars per bushel. That was the richest panful that was obtained during our examination. It is in paper 27. It came from the junction of pit and trench four and five.

Question. By same. Was the veins seen by you, taken altogether, or on an average rich, or otherwise.

Answer. I should not consider it rich on an average.

Question. By same. Is the Goochland mine worth much, or any thing as a mine; is it worth working?

Answer. I should not consider it valuable for mining purposes. I should not consider it worth working as a mine.

Question. By same. Did you take ore from all the veins extending in the S. E. side of pit No. 8?

Answer. I took ore from two threads of veins on the S. E. side, so called. That being all that was seen in the tunnel at that point.

Question. By same. Was the vein seen by you taken from pit 8 of the same character and formation, as the vein seen elsewhere at the Goochland mine?

Answer. There was but little difference in the appearance, but was not so rich as the vein in the trench marked 5 at the junction of pit No. 4, and the vein in trench No. 3.

Question. By same. Did you examine the Goochland tract of land for surface gold; if so, is it rich, or otherwise?

Answer. I did not examine it.

The board then adjourned (6 o'clock, P. M.) until 8 o'clock, tomorrow.

SATURDAY, *August 2d*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators. Barton and Berry, counsel for the plaintiff. The defendant Smith and his counsel, Marye and Botts.

The examination of William Beazley was continued.

Question. By Barton. At what depth did you find the best washings?

Answer. At about three feet below the top of the formation.

Question. By same. Did the washings below the depth of three feet uniformly or generally increase or decrease in richness?

Answer. They uniformly decreased.

Quetion. By same. From whence was the sample of ore examined by Mr. Davis, obtained. Was it selected; if so, in what manner?

Answer. It was selected about three feet deep in the formation at the junction of trench No. 5 with pit 4. When the two pansful Nos. 27 & 28 were taken out they was discovered to be rich, and while taking said pansful out, I selected those specimens myself, as the richest and best specimens that could be obtained. The reason why I considered them the richest and best, gold was discovered in them by the naked eye. There having been no other specimen that showed gold visible without washing, except a few that was selected by D. Moss, which were pounded and washed, and put in paper No. 2. 1st. examination, and that was taken from very near the same place.

Question. By Dr. Wellford. Have you any mode by which you judge of the richness of ore, other than visible specks or particles of gold; if so, please state what the mode is?

Answer. One mode of testing the quality is, by pulverizing the ore, washing of it, collecting the particles of gold with quicksivler, melting and ascertaining the weight of the amalgam. One other mode is by fluxing of the ore, collecting the gold and weighing that; after ascertaining the quantity of the gold in that manner, it will enable me to judge in some degree, of ore of a similar appearance from the same mine, that does not show gold visible.

Question. By Barton. Did you notice whether there was any difference in the results between the washings generally made by washing the ore without pounding it, and in pounding it and then washing it?

Answer. In the general result there was but very little difference. There were washings which disclosed gold by mere washing, or was considered tolerably good by washing; in pounding that ore, that is the substances thrown off in washing, after washing, the result was increased. Mr. Willis, in washing, made it a rule to pound the ore very fine. Mr. Davis's washings were not generally pounded fine, but merely rubbed in the pan with the hand. I am not positive that he ever pounded at all, with the exception of washing No. 27. There was no perceivable difference between the washings of Mr. W. and Mr. D. in these results when they took ore from the same place, except that of No. 27.

Question. By Barton. Read the letter of the 21st January, 1833; will you state whether that letter does or does not contain a fair and just description of the Goochland mine?

Answer. In my examination of said mine, I saw nothing to justify the statements set forth in said letter, in reference to the quality and quantity of ore, nor the richness nor value of the mine. The de-

scription of the location of the mine, as to distances from certain points, is I believe correct.

Question. By Dr. Wellford. You have frequently used the term formation, will you be pleased to state what peculiar meaning you attach to it?

Answer. In sinking or digging down through the alluvial deposite, a slate generally presents itself, which has the appearance of never being* displaced. That is generally understood as the formation.

Question. You have in answer to a question put by me a short time since, stated two processes by which you judged the quality of ore in which gold is not visible; did you ever subject the ore at the Goochland mine to either or both of these processes? if yea, state to which, and with what results compared with the simple and ordinary mode of washing?

Answer. To neither, farther than by washing with a pan and judging by the eye.

Cross examination of William Beazley.

Question. By Botts. What is the length of the tunnel from No. 9 to No. 8 on your diagram? (Marked T.)

Answer. From No. 9 to No. 8 the tunnel was three feet. It was also three feet across the bottom of the pit No. 8, making the whole six feet.

Question. By same. Is there any other tunnel from No. 9 or No. 8; if so, from which, and in what direction does it run, and what is its length?

Answer. There is no other tunnel from No. 9. Saw none from No. 8.

Question. By same. What does No. 11 on your diagram represent?

Answer. Said to be Trego's deep or whim house shaft.

Question. By same. What is the distance between No. 11 and No. 9.

Answer. Did not measure it; suppose it to be about twelve feet.

Question. By same. You have said that the pit No. 8, at the bottom, was three feet wide; will you state whether it was in the three feet, you saw the two or three threads of veins that you have spoken of?

Answer. It was, and immediately at the east end of said pit.

Question. By same. Are or are not some of the richest ores, those in which no gold is visible?

Answer. There are some ores in which gold is not visible, that are rich; but the richest ores, I consider those that show gold visibly.

Question. By same. State what gold mines you are acquainted with, and what opportunities you have had of acquiring information in relation to gold veins?

---

* query in having been?

Answer. I visited in the year 1830, very many mines in the State of North Carolina, a greater proportion of which I examined the shafts and tunnels with the managers of the mines, who appeared willing to give me every information in their power. Since which time I have been engaged in the examination for veins in several places in this State, and have visited most of the mines in this section of Virginia.

Question. By same. State the duration of your visit to North Carolina, how long you were at each mine, and the length of your visit to the several mines in Virginia.

Answer. The first mine I visited in North Carolina, was in Guilford county, owned by a gentleman by the name of Hodgins. The second mine belonged to a gentleman by name of Fisher, as I understood. The third was was worked by Mendenhall. (I do not recollect the owner.) These three mines were all that I visited in that neighborhood. Remained from three to four hours at each. The next mine that I visited was worked by a company in Concord. It was on Rock river. The next mine that I visited, was near Charlotte; do not recollect the owner, but believe his name was Williams or Davidson; I do not recollect distinctly. The next was Capp's mine. The next was a mine near Capp's. Do not recollect the owner. The next was a mine near Charlotte, owned at that time by Bissell & Co. Visited several other mines between Charlotte and Jamestown; do not recollect the names of any other but Gilson's and Dr. Fox's on that route. The next I visited was Davis's mine; next Lindsay's; do not recollect any more at this time. Remained at each mine, with the exception of the mine near Capp's mine, from three to four hours. Visited Haygood's mine in Pittsylvania county, Virginia. I have visited nearly all the mines in Virginia, within fifty miles of me, except two mines in Stafford called Smith's and Richards. Some of which mines I was not very particular in my examinations. Others, those which were considered mines of much magnitude, I have been particular in my examinations, three or four of which I have had an interest in, and had the management of them from one to two years. One of those mines of which I had the management, was in the county of Fauquier, owned by a gentleman by the name of Kelly. One other in said county, belonged to some gentlemen by the name of Dent. One in the county of Culpepper belonging to a gentleman of by the name of Fields. One other in the county of Orange, belonging to a gentleman by the name of Gordon. I also had the management of the mine in Spotsylvania, belonging to a gentleman by the name of Johnson, at the commencement of my mining operations, and have had the management of the mine at White Hall, since April, 1832.

Question. By Botts. How many kinds of veins of gold are known in mining; state their number, names, and characteristics of each?

Answer. There are two kinds of gold veins; the quartz and the slate: each of those kinds of veins sometimes, some pyritcal ore some of which are sometimes decomposed and sometimes not; as respects the technical terms of the mineralogists, I have never made myself ac-

quainted with them, nor did I consider it very important, from the fact that those gentleman who professed to understand mineralogy not having succeeded as yet, in our State, in obtaining more gold from the mines than practical men or practical miners.

Question. By Botts. What do you mean by the term practical miner?

Answer. A man that has got his information from his own practice, experience and observation.

Question. By Botts. Do I understaud you to say there are but two kinds of gold veins, and that their names are quartz and slate?

Answer. I know of no other kind of veins, that has not either quartz or slate as a component part, either decomposed or otherwise. There are veins of pyritical ore, which always, as far as my observations have gone, contains either quartz or slate as a component part.

Question. By same. What are the component parts of slate, quartz and pyrites?

Answer. As respects the slate and quartz, I don't pretend to understand all the component parts of them; not having thought it necessary, in mining operations, I have not qualified myself on that subject. Pyrites is generally composed of sulphur and iron, so far as I understand it.

Question. By same. Are sulphuret of iron and pyrites the same? If not, in what does the difference consist?

Answer. I know of no particular difference.

Question. By same. Are mica slate, and talco slate the same. If not, what is the difference between them?

Answer. As respects the mica slate, I consider it such as has mica for a component part. Talco slate I don't pretend to know any thing about.

Question. Will you state when the several washings of which you have spoken, and which you handed to the arbitrators, were put up, and by whom?

Answer. The papers of the first examination were put up by me, directly after the examination; the papers of the second examination were also put up by myself, and put up immediately after the washing.

Question. By Barton. Do you mean to say that the result of each washing, on the first and second examinations, were put up by you in the papers handed to the arbitrators, immediately after each washing; if not, state what you do mean to say?

Answer. I do not recollect distinctly whether the papers of the first examination were put up immediately that they were washed, or whether they were retained in something else a short time, to dry. Believe that they were retained in something else, until the sand was dry. A few of the first washings of the second examination, was probably retained in like manner; nearly all of the last washings was put up immediately after they were washed.

Question. By Barton. You have said that some ore was rich that did not show gold to the eye; was such ore hard or soft?

Answer. I have seen both hard and soft ore rich, where the gold was not visible to the naked eye.

Question. By same. Have you seen any ore at the Goochland mine that was rich, that did not show some gold to the naked eye?

Answer. In each panful of ore that yielded a rich result after washing, gold was discovered in taking of it out of the vein. Pounded ore while at the Goochland mine that did not disclose gold visible when washed, the result was a few fine particles. Did not wash any where gold was not discoverable, that was rich.

Question. By same. You have stated, that from the tunnel from pit 9 to pit 8, extending to the floor of the latter pit, that you examined the vein. Will you so describe your proceedings to the arbitrators, as to explain whether or not, your examination was such as to ascertain the extent of the vein at that point, where the excavation was found in the side or end of pit 8, whether there was an appearance that ore had been taken from that spot, whether you took ore from there, and whether you examined the side or end of said pit 8 in which the excavation was; if you did, state whether it presented the appearance that any ore had been taken, except from the said excavation? Describe fully the part of the pit.

Answer. After pit No. 9 was sunk, in selecting the place for the tunnel, I endeavored to strike pit No. 8 at the E. end. On arriving at pit No. 8, it was thought that the tunnel was not so low, or so deep as the pit No. 8, there being an excavation deeper in the bottom of pit No. 8 than the bottom of our tunnel; but was found on examination, to have been only a small excavation in the bottom of the E. end of pit 8. Something like ten inches to one foot in width, twelve to fifteen inches in length, and from four to six inches deep. This excavation was said by the man who sunk No. 8, to have been the excavation from which ore was taken and sent to Orange. Continued the tunnel across the said pit in the direction of the formation; after clearing the said excavation discovered two threads of veins, about three-quarters of an inch in width. Took out some of the ore from said veins in the bottom of said excavation, either two or three pansful. Pursued those threads of veins across the east end of pit No. 8, selected two or three pansful a few inches deep in said veins. They were washed, and put in paper No. 3 of the first examination. The width of this tunnel at this point was from three to four feet. I could say nothing more of the appearance of ore having been taken from the spot, than that the excavation having been made on the vein, ore appeared to have been taken from that spot. The vein showed at the bottom of the excavation and at each end.

Question. By same. Did the veins that you have spoken of above, appear to be leaving pit 8 at the bottom and on the eastern side of said pit?

Answer. The veins were discovered in the eastern end of pit 8, and were inclining out of said pit, at the eastern end.

Question. By same. You have said that the tunnel was driven the whole length of the eastern end of pit 8, was there any appearance

that ore was taken along the whole eastern end of said pit, or at any point, except from the excavation?

Answer. There was no appearance of any ore being taken from the bottom of pit No. 8, except in the excavation above named.

Question. By Dr. Wellford. Were the examinations which you made at the Goochland mine such as to enable you to see distinctly the face of the veins, and the whole of the formation in which there were any veins or threads of veins?

Answer. It was, so far as they had been previously developed; with the exception of Mr. Trego's workings.

Question. By same. Do you believe that the examinations which you made of the Goochland mine were so planned and executed, as to present to you the same veins and appearances with those presented to Captain Smith, on the examination which he made previous to the 21st of January, 1833?

Answer. Do not know the situation of the mine when Captain Smith examined it. But trench No. 2, part of trench No. 3, pit No. 4, trench No. 5, and that part of pit No. 8 previously described in the tunnel, were all laid bare, every part of them. And the veins, wherever discovered, were examined by taking the substance and washing it. Do not believe that the mine was in a better situation to examine previously to the 21st of January, 1833, than it was when I made the examination.

Question. By Dr. W. You have said that you saw the whole of the formation in which there were any veins or threads of veins; what was the extreme width of that formation, and what was the distance from the outer wall of the said threads of veins on one side, to the outer wall of the threads of veins on the other?

Answer. The formation containing the veins or threads of veins, varied from one to three feet in width. In some places it was rather wider, but no gold could be discovered. As respects the walls spoken of, the formation containing the threads was not defined sufficiently to be considered a wall to a vein. At some points, the veins or threads of veins were dispersed nearly, or quite three feet across the formation, at other places they were contracted to from a foot to eighteen inches—[witness here drew a representation on his diagram, of the formation and the veins, as they appeared to him, and continued.] The pencil marks in figure B, except the outside straight lines, represent the threads of veins. The space between the threads, and all outside, are the slate formation; there is slate between the threads of veins of the same character as that outside. The slate formation extends an indefinite distance beyond the works. There was a small thread in the eastern end of pit No. 4 that contained a few specks of gold, as stated in the washing No. 3 of the second examination.

Question. By Barton. How many threads of veins have you seen parallel to each other on the space on the formation containing them, and how wide were those veins; have you seen any from two to six inches wide?

Answer. Could not state the number accurately; but believe at some points as many as three or four, generally from three quarters to

one inch in width. Have seen these threads expand at some points, as much as from two to three inches, but would contract again immediately to its common width.

Question. By Dr. Wellford. Did the slate between the threads of veins contain gold, or not?

Answer. If it did, it was but very little.

Question. By Botts. Did you pound the slate with a view of ascertaining?

Answer. I did not, but washed. It being so soft, that if there had been much gold, I should have discovered it in washing.

Question. By same. Did it all dissolve in the washing; if not, what proportion of it did?

Answer. About seven-eights dissolved.

Question. By same. How long have you known the Goochland mine?

Answer. I visited it in March or April last, for the first time.

Question. By same. What induced you to make your examinations in May and July?

Answer. I done it at the request of Mr. Guy Richards.

Question. By same. Was there any water in any of the pits or trenches at the periods of your examination; if so, was it entirely removed, so as to expose the bottom of each pit and trench?

Answer. The pits and trenches were all either filled with water or earth, and in every case both the water and earth was removed, and the whole of the surface bottom and sides laid bare.

The board then adjourned (half past three o'clock, P. M.) until 8 o'clock, on Tuesday morning. (Monday being Spotsylvania quarterly court, which some of the counsel in this case were under the necessity of attending.)

TUESDAY, *August 5th*, 1834.

The defendant's counsel being still detained at Spotsylvania court, the board did not sit.

WEDNESDAY, *August 6th*, 1834.

The board met at 8 o'clock, A. M. Present: all the arbitrators. Barton and Berry for plaintiff. Botts and Marye for defendant. Plaintiff George Richards, and defendant Smith occasionally.

Najah Taylor, a witness on behalf of the plaintiff being duly sworn, deposed and said, that he is a native of Connecticut, a resident of the city of New York, sixty-four years of age, and a merchant by profession. Has known the plaintiff, George Richards, ever since the year 1796, and Guy Richards since 1810, perhaps earlier. He is a partner of Mr. N. Richards, the brother of George and Guy Richards, believes that the first became acquainted with defendant Smith, in 1829.

Question. By Barton. Are you now, or have you at any time been president of the Virginia Mining company?

An inquiry was here made by the counsel for the defendant, as to the scope of the testimony about to be adduced; and, it being explained that it was designed to show certain conduct of the defendant while acting as superintendent or manager of the Orange mine, as agent for the Virginia mining company, and to exhibit his correspondence with said company, and also to adduce evidence of recent examinations of said mine. The defendant's counsel objected to the legality and propriety of evidence touching the management of the Orange mine, or of its present condition, and also to the introduction of the defendant's letters on said subject, neither his conduct in that trust, nor the condition of that mine, being complained of in the bill of complaint, nor necessarily involved in the issue submitted to this board, &c. &c.

The point was fully argued by counsel on both sides, and by them referred to the arbitrators to decide. After due deliberation the board decided, (R. B. Maury dissenting.)

The evidence proposed to be introduced, does not apply to subjects which, by the contract of submission, and the bill of complaint this board understands to have been submitted to its arbitrament, inasmuch as it involves matters not set forth in the said bill, and is not therefore, legal evidence.*

If, however, the parties agree that the substantial ends of justice will be better promoted by the consideration of testimony that would be excluded under the above decision, than by its recjection, and perfect reciprocity in the procurement and adduction of such testimony can be attained, the arbitrators feel not disposed to take the responsibility of excluding such new points of consideration, if presented to a reasonable extent. But this admission is made on the express condition that such testimony shall be reciprocal and full; that where any correspondence is submitted, the whole connected with it shall be produced; and if any oral testimony shall be proposed to be offered, which the opposite party shall not deem to require notice and time, such notice and ample time shall be given.

The board then adjourned until 4 o'clock, P. M.

4 *o'clock, P. M. August 6th,* 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, and the counsel for plaintiff and defendant.

The counsel for plaintiff, submitted to the board a paper, setting forth, in detail, the purport of the evidence which they designed to have introduced at the forenoon session, but which was excluded by the decision of the arbitrators, which they requested might be noted on the minutes and filed. See document, marked W. The counsel for defendants submitted to the board a paper, showing their reasons

* The arbitrators here verbally suggested, that if this decision were not satisfactory to the counsel on both sides, they would be pleased to have it referred to legal gentlemen to decide. To this the counsel for defendant promptly assented; counsel for plaintiff declined the reference.

for resisting the introduction of evidence about the Orange mine, and in answer to the document W, which was filed, marked X. (See also minutes of the 8th, and document D. D.)

The board then adjourned until to-morrow at 8 o'clock, A. M.

THURSDAY, *August 7th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators. The plaintiff's, George and Guy Richards, with their counsel Barton and Berry, and the defendant, Smith, with his counsel, Botts and Marye.

Mr. Barton, as counsel for plaintiffs, submitted to the board of arbitrators a paper, in the following words, to wit:

"The minutes of the arbitrators, not stating the oral proposition, made by the plaintiff's counsel on yesterday, precisely as they wished and intended it to be understood, beg leave to renew it, and state as follows, the character of the evidence which they offer to introduce:

On the part of the complainants, it is proposed to introduce evidence, to prove that the defendant Smith, while acting as agent for the Virginia Mining Company, of which, all the complainants, save one, were stockholders, and two of them directors, during the time and before, and after the time that negotiations were carried on for the sale, by the defendant Smith, of a part of the Goochland mine to the complainant, the defendant Smith so conducted the operations of the Orange mine, belonging to the said Virginia Mining Company, and made such false representations, as designedly to deceive and delude the complainants, in relation to the value of said Orange mine, and the profits to be expected from working it, and to make an impression that it was more valuable than it really was, and thereby to enhance their estimate of the value of the said Goochland mine, and mining interests generally, and that the defendant Smith, by means of his direction of the operations at said Orange mine, purposely delayed such operations and experiments as would test the true value of the said Orange mine, until after the contract for the said sale, by the defendant Smith, of part of the said Goochland mine, had been made with a view of keeping up a false and delusive impression of the value of mining interests generally, and which was dissipated soon after such experiments were made.

6th August, 1834.

(Signed) LAWRENCE B. BERRY.
T. B. BARTON.

Which document he requested them to enter on their minutes, and consider and decide on.

The board, on consideration of the said proposition of the plaintiffs are of opinion, that

The proposition, now submitted, differs only from that submitted, orally, on yesterday, and then considered and decided in this, that in the paper now submitted, the end to be attained by the evidence proposed to be introduced, only is shown; while the proposition submitted on yesterday, and which was argued by counsel and decided by the board, showed, not only what plaintiffs designed to prove, as averred by counsel, but also the kind of evidence and the course of investigation to be resorted to, in order to effect such proof. The board regard the above proposition as necessarily involving the points decided on yesterday.

Upon reference to the arbitration bond, the board find that the subject referred to them for their arbitrament, are "all matters of controversy involved in certain suits therein named." Those "matters of controversy," are set forth in a certain bill of complaint, filed by George Richards against William R. Smith, which bill is filed with the arbitrators, and understood by them to contain all the charges which the plaintiffs are expected to substantiate, or the defendant is called upon to refute. The answer of the defendant is also filed, and contains an admission of some of the facts charged in the bill, and a denial of others, embracing, so far as the arbitrators have perceived, all the charges contained in the bill. The arbitrators are now required to decide, whether it is legal to introduce testimony to prove certain facts, set forth in a paper submitted by the plaintiff's counsel, which is filed and marked Y, and also entered at large, as above, on the minutes of the board. The arbitrators, having attentively considered the facts set forth in that paper, have arrived at the conclusion, that the plaintiffs have a legal right to adduce evidence, to prove any matter charged in the bill, whether admitted in the defendant's answer or not, or such facts as they may deem it necessary to prove, notwithstanding they have been already admitted. But that inasmuch, as the bill of the complainant, George Richards, embraces, as the arbitrators were advised, all "the matters of controversy," referred to them for arbitrament, the plaintiffs have no legal right to travel out of that bill, to make new points of complaint, and to adduce evidence to prove them, without the assent of the defendant. And that as the bill contains no charge, that the defendant, in virtue of his official situation at the Orange mine, had been enabled to "enhance the estimate of the value of the Goochland mine, or of mining interest generally," by his operations at the said Orange mine; or, that by delaying his operations and experiments there, he had created "false and delusive impressions of the value of mining interests generally;" it is not legally competent, for the plaintiffs now, to introduce evidence of these charges to this board of arbitrators.

But, as no member of the board has enjoyed the benefit of a legal education, and therefore on legal points may err, where a legal man would decide correctly; and in order that no injury may be done to either party, by reason of such error, and no advantage be hereafter taken of it, in order to impunge or weaken the effect of their final judgment on the matters submitted to their arbitrament, they now formally propose to the parties that this, and all other legal points that

may be made before them, in the course of their investigation, be referred to one or more gentlemen of the legal profession, in the nature of Amicus Curæ, and that his or their decision of such points shall be conclusive.

While the above motion was before the board, Mr. Marye, on behalf of the defendant, submitted for the consideration of the board a paper, in the words following, (see document Z,) which on consideration, the board regards as being in accordance with the spirit of the alternative suggested by the board on yesterday; and, if it meets the concurrence of the plaintiffs, it is approved by the board.

The board then adjourned until 4 o'clock, P. M.

4 o'clock, P. M. August 7th, 1834.

The board met pursuant to adjournment.

Present: As in the morning.

Mr. Barton, for plaintiffs, read a paper in reply to the proposition Z, submitted by the defendant's counsel in the morning session; see document, filed and marked AA. (This was subsequently withdrawn, and another, bearing the same mark, substituted for it on the 8th.)

The counsel for the defendant submitted a rejoinder, filed and marked BB.

Mr. Barton, on behalf of the plaintiffs, Guy and George Richards, then read an argumentative motion, asking "a continuance of the cause, until some period which may suit the convenience of the arbitrators, and the parties," on which he asked the decision of the board. See document marked CC.

On motion of Mr. Maury, it was laid on the table for consideration to-morrow. (This document, and also the two just above mentioned, AA, and BB, were by permission of the board, taken out by Mr. Barton, on the adjournment of the board.)

The board then adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, *August 8th,* 1834.

The board met pursuant to adjournment.

Present: All the arbitrators. Barton and Berry, counsel for plaintiffs. The defendant Smith, and his counsel, Marye and Botts.

The counsel for plaintiffs submitted, in writing, a reply to defendant's statement of grounds, on which they resisted the introduction of evidence, respecting the Orange mine, (see minutes, August 6, document X, and minutes, August 7, documents AA, and BB,) which they requested to have filed. See document marked DD. (This is in reply to document X, and should follow it.)

The counsel for plaintiffs also handed to the board, a substitute for document AA, submitted to the board yesterday afternoon, and then withdrawn.

The counsel for plaintiff presented again the written motion made yesterday, modified for an adjournment of this cause. See document CC. After argument on both sides, and due deliberation the board came to the following decision, (F. W. Gray dissenting,) viz:

The arbitrators concur with the counsel and parties, in a desire to prosecute the business before them to the earliest termination, which is consistent with a fair and just decision of the matter in issue. They sensibly appreciate the painful situation of the New York parties, in their separation from their families and business, under existing circumstances. But they are also sensible that the indecision of a question, in which the defendant has so much of reputation at stake, must involve feelings of deepest solicitude, suspense, and anxiety. With a view therefore to subserve, to the best of their ability, the interest and convenience of all parties, the arbitrators suggest that the counsel proceed with the examination of such witnesses as can be produced at an early period, whose testimony does not require the supervision of the parties, or such documentary evidence as can be submitted with equal and reciprocal justice, accompanied with a promise on the part of the arbitrators, that a recess shall be granted, so soon as they are assured by counsel, upon honor, that without an adjournment, the claims of their clients cannot be fairly represented.

The terms of this decision, not meeting the approval or acceptance of the counsel, it was considered as a rejection of the motion.

In consequence of the language used in document CC, that "as an inducement to a continuance of this cause, the plaintiffs would consent to enlarge the period, in which the arbitrators would give in their award," an inquiry was made by defendant's counsel, if it was meant that such consent was conditional, and would not be given, unless the motion for a continuance or adjournment of the cause were now acceded to? It was answered that it was not so meant, for, that it was now apparent on all hands, that the time prescribed in the arbitration contract, for the arbitrators to make up their award, was too limited, and it was admitted and agreed by counsel for both parties, that the contract should be so enlarged, as to give due and reasonable time for a full examination of testimony on both sides, and also for the arbitrators to make up a deliberate judgment. This is now noted, and read in the presence and hearing of the counsel and parties on both sides, as their mutual understanding and agreement.

The board then resumed the examination of witnesses.

Mr. Nathaniel Richards, a witness on behalf of plaintiffs being duly sworn, deposed and said, that he is a native of Connecticut, now a resident of the city of New York, a merchant by profession; aged fifty-four years; is a brother to the plaintiffs, Guy and George Richards,

and has known them from their infancy. First knew the defendant Smith, about the year 1829.

Question. By Barton. Were you ever at the Goochland mine; if so, when, and what was the object of your visit?

Answer. I visited the Goochland mine in March or April, 1833. Think it must have been in the month of April. I went there principally for the object of purchasing the fee of the property.

Question. By same. Did you see Captain Smith previous to going there, and have any conversation with him relative to the situation of said mine; if so, state it.

Answer. I saw Captain Smith at the Orange mine; I had much conversation with him in relation to the Goochland mine, two-thirds of which was owned by himself, and one-third by Captain Smith. Captain Smith stated that the Mosses, or the elder one, who held the fee of the property, in fact the whole family were very slippery men. That we considered it very desirable that the property should be entirely under our control. It is perhaps proper for me to state, that Captain Smith was not so strenuous in desiring to hold the fee as I was. Considering the lease to be a perpetual lease, he thought the title a sufficient one. It was, however, before I left, finally agreed between us, that it was desirable to have the property even at four dollars per acre, rather than not to have it. Captain Smith stated to me, that I should see but little of the mine on going there, the pits having been filled up; as he had written to me the fall after making the purchase. On my arriving at the mine, I found the pits or excavations, whatever they may be called, as as Captain Smith had stated to me. They were filled up, or covered with water, so that I could see nothing of them in fact. There was no ore visible at all. Colonel Bowles accompanied me to the mine. I was an entire stranger, not having ever been in the country before. There was a log cabin near one of the pits, where an excavation had been made, which Col. Bowles stated had been the deposite house of the ore, which had been excavated from there before. We went into that to see if I could find any ore at all there, but found none, not a particle; it seemed to have been all scraped up. We found a lad at the branch which had been formerly excavated for washing. The rocker or washer was there by lad, and he was hunting there for any particles of gold that he might find from what was the rubbish, as he stated. He had some little specimens of ore that he had picked up, that he had in his pocket. Those, he stated, he had picked up from what had been thrown out there as rubbish. They were very small particles, pieces perhaps as big as the end of my little finger, some of them had little specks, or very little particles of gold visible on them. They were perceptible, certainly. I purchased of the lad, some of these specimens; and, in looking in the washer, or the trough, that lay along, Col. Bowles, also, in looking found some very small specimens, similar to what the lad had procured before. The specimens that I got there, in the way that I have stated, were in number, perhaps fifteen or twenty; I am not certain about it. That is pretty much all that I can say with regard

to the mine. There was nothing there by which I could form any opinion as to its value, farther than from the small specimens that I had seen there. These specimens being found among the rubbish as it was stated, I presumed that they were thrown out; gave me, with the representations that I had previously received from Captain Smith, a very favorable opinion of the mine; I considered them as confirmation of what he had stated.

Question. By same. Had you any skill or experience in mining at the period of your visit, and particularly in relation to gold mines?

Answer. No, sir, none whatever.

Question. By same. Had you much confidence in the skill and experience of Captain Smith, as a miner?

Answer. I had the most entire confidence in the skill, candor, and ability of Captain Smith.

Question. By same. What induced you to place such confidence in Captain Smith?

Answer. From the knowledge that I had with him, I suppose, and my correspondence with him. I had been repeatedly in the family of Captain Smith, at White Hall, and at Orange mine. The moral and religious deportment of Captain Smith, in his house, at all times, gave me high confidence in him; very high confidence in him. I considered him incapable of deceiving me in any way, in any representation he might make. The general arrangement of the business at Orange mine, the location of buildings and their construction, the opening of the mines, so far as I could form any opinion, without having any knowledge on the subject, the great mechanical tact which I thought he had displayed in applying mechanical power in raising water, pumping, in fact every thing, in relation to that mine, gave me a high opinion of his ability in every thing in relation to mining.

Question. By same. Did you entertain a high opinion of the Goochland mine; if so, from whence was that opinion derived?

Answer. I had formed a very high opinion of the value of the Goochland mine, from the representations of Captain Smith to me by letter, as well as from the specimens that he had sent to me.

Question. By same. Can you exhibit those specimens, or any of them?

Answer. I can, sir, they are now in my hand, as received from Captain Smith. [Witness here exposed a number of specimens, contained in wrapper marked which he said were sent to him by defendant, and which were unfolded to the view of the arbitrators and counsel; in some of them were explanatory memorandums, in the handwriting of defendant. Witness remarked, that they had been frequently examined, and that some of the dust and particles had, unavoidably, been lost, in opening and refolding, and that it was possible that some of the memorandums had got displaced from the specimens to which they belonged.]

Question. By same. You have stated that some of the papers accompanying the specimens may have been transposed; do you know the fact, or what do you believe is the fact in relation to it?

Answer. I observe in looking over the specimens, one of them is

numbered No. 1, which has the memorandum or note from Captain Smith; my impression is, that in the letter* from Captain Smith, accompanying those specimens, he refers to Nos. 1 & 2, and with those papers, when originally opened, my impression is, there was no memorandum. Finding this memorandum now accompanying No. 1, induced me to make the remark, that it had possibly have got displaced or transposed; I have no other reason for supposing that may have been displaced.

The board then adjourned until half past 3 o'clock, P. M.

Half past 3 o'clock, P. M.

The board met pursuant to adjournment. Present: As in the morning.

The examination of Nathaniel Richards was resumed.

Question. By Barton. Did you consider the specimens which you have presented, as fair samples of the ore at the Goochland mine?

Answer. At the time I received them I had no doubt at all that theywere fair specimens of the mine; as I had, in writing Mr. Smith, in answer to his proposition about my purchasing the mine, that if, after his personal examination, if it should prove to be equal to the representation made by him to me, he was authorized to value or draw on me, for the amount of purchase. I do not know that those are the precise words; they are my general recollections; my correspondence with Mr. Smith had been very general, and I may not state the words, but my letter will show. Those specimens, I had considered Mr. Smith had taken himself from the mine. I had never a doubt to the contrary; I will change the above phraseology thus: Those specimens I considered Smith had himself taken from the mine, and that they were washed by him, or in his presence at the mine, at the time they were taken. Until recently I learnt that they were washed at the Orange mine.

Question. By same. Are you working the Goochland mine?

Answer. No, sir. The Goochland mine has not been worked for some time, as I consider it, from information received from the agent, selected by Captain Smith, Mr. Trego, as utterly, or nearly utterly, worthless, as I so stated in a letter that I wrote Captain Smith, sometime in September last. At which time I was indebted to Captain Smith a sum little short of $13,000. I then stated to Smith, expressing my opinion of the worthlessness of the mine; that if he would cancel the amount I then owed him, I would relinquish to him all my then interest in the Goochland mine; my interest of one-fourth in the Liberty mine, which I had paid him or owed him, for some $15,000; two-thirds of the purchase of the Rowe place, for which I had paid him $3,000; and transfer to him one hundred or one hundred and fifty shares, if he said so, of Virginia mining company's stock.

Question. By same. Did you purchase of Captain Smith, any por-

* See letter No. 6, filed December 19th, 1832, marked F. F.

tion of the Goochland mine, if so, at what price. Did you sell it, do you now own it?

Answer. I purchased of Captain Smith one-sixth of the mine, half his interest, for $15,000, which I sold to Mr. Wilder, for the same amount; and, after ascertaining my conviction that the mine was worthless, I cancelled the sale to Mr. Wilder, and paid him back the amount.

Question. By same. You have said that you had the most entire confidence in the skill, candor and ability of Captain Smith. Do you now entertain that opinion?

Answer. I certainly do not.

Question. By Berry. Did you show to the complainants, or either of them, previous to their purchase from Captain Smith of part of the Goochland mine, any of the specimens which you received from him, as coming from Goochland mine, and the description thereof received from him?

Answer. I did not show them to either of the plaintiffs until requested to do so, in a letter from Captain Smith, of the 11th June, 1833. [The counsel for defendant here called for the letter itself to be produced and filed, and proposed that whenever a letter or other document is spoken of by a witness, which is to be made a part of the evidence, that it shall be produced instanter and filed with the arbitrators. This was promptly assented to by complainant's counsel, and the letter was forthwith produced and read. See document (E. E.) also marked 21.] My great desire was, as Captain Smith well knows, not to show those letters or specimens to any person. My wish was to keep the Goochland mind out of view; I did not wish to sell it, or that it should be known, until the Orange mine was fully developed.

Another letter from W. K. Smith to N. Richards, dated December 19th, 1832, was read and submitted to the board, marked (F. F.) No. 6.

Question. By Mayre. In answer to a question submitted by the plaintiff, you state that you had formed very high opinion of the value of the Goochland mine, from the representations of Captain Smith as well as by the specimens he had sent to you. Were those the only reasons you had for forming a high estimate of the value of that mine?

Answer. Having great confidence in the judgment and candor of Captain Smith, my opinion of the mine was formed certainly from his representations and the specimens sent me. After seeing the specimens there, from what was considered the refuse, my confidence was certainly encreased by that circumstance. But my principal reliance on the mine was from the representations of Captain Smith.

Question. By same. When at Goochland, in April, 1833, did you hold conversations with persons acquainted with the Goochland mine?

Answer. I had so much confidence in the representations of Captain Smith, as to the value of the mine, that I was little disposed to make any inquiry about it. I met at Col. Bowles', if my memory serves me, the elder Mr. Fisher. Mr. F. if my memory serves me, re-

presented that the mine was very valuable, or that I should probably make a great fortune out of it, or something of that kind. I can't state with precision the words that passed at that period. If my memory serves me, I wrote Captain Smith, stating what was Fisher's remarks made to me at that time. I do not know that I have any thing more to state. My letter will speak for itself. I had various concerns with Mr. Smith, and a general correspondence with him, &c. &c. My engagements were very numerous, and I cannot recollect with precision, what I said to him.

Question. By same. When did you make the purchase of Captain Smith of that sixth of his interest, for which you gave him $15,000.

Answer. (Witness by permission referred to his memorandum book, and said,) it was in May, 1833. The memorandum is on the 27th, the purchase was near that date.

Question. By same. How was the $15,000 paid, or to be paid?

Answer. One third at sixty days, one third in four or six months. I can't say precisely; and one third in nine months.

Question. By same. When did you make the sale of the above one-sixth, to Mr. Wilder, of which you have spoken?

Answer. I cannot state the date when the sale was made. My impression is that it was in June or July; I cannot, before a jury say certainly about it.

Question. By same. Did you sell no portion of your interest in the Goochland mine, other than that sold to Wilder?

Answer. I sold one-eighth of one-sixth for $8,000.

Question. By same. To whom did you sell?

Answer. To Mr. Francis Dwight.

Question. By same. When was that sale made?

Answer. If my recollection serves me, on the 23d of July, 1833, I may not be precise as to the date, but believe it was that day.

Question. By same. Has that contract been cancelled?

Answer. It has not.

Question. By same. Is there any family connection between Mr. Wilder and yourself? if so, what is it?

Answer. There is; my son married Mr. Wilder's daughter.

Question. By same. When did that marriage take place?

Answer. On the 31st of July, 1833.

Question. By same. Had Mr. Wilder paid you the $15,000 above mentioned, prior to said marriage?

Answer. He had paid me partly in money and partly by his note, which was subsequently paid.

Question. By same. Where is the ore from the Goochland mine forwarded to you by Captain Smith, other than the specimens this day exhibited?

Answer. It is in New York, with the exception of specimens that I took out of my bag the day before I left home, which I have here at my lodgings. The specimens of the ore in the bag were not shown to my brothers and others when they made the purchase of Captain

Smith. It was in a box that was stowed away, it was not in my office at the time they saw the others. The ore in the bag, when it arrived with the other specimens, looked so precisely like the specimens of ore which the gentlemen have seen here to day, taken from the pits, that in exhibiting them, I supposed I was exhibiting what was in the bag. It was precisely the same, as near as I could form an opinion. The specimens taken from the bag, I did not bring up here with me, because, as I did not show the bag of ore to the gentlemen at the time they made their purchase, I ought to lay before the referees only what was exhibited to them.

The board then adjourned (7 o'clock, P. M.) until to-morrow morning at 10 o'clock.

SATURDAY, *August 9th*, 1834. *at* 11 *o'clock*, *A. M.*

The board met pursuant to adjournment.

Present: All the arbitrators. Barton for plaintiffs, Marye and Botts for defendant.

The examination of Nathaniel Richards was resumed.

Question. By Marye. Was it at your request that Captain Smith wrote to you the letter of the 21st January, 1833, giving a description of the Goochland mine?

Answer. I wrote to Mr. Smith, requesting him to give a true, an accurate description of the Goochland mine, with a plot of the same, as well as my recollection serves me, that the evidence might be ready whenever it might be the proper time to offer the property for sale. I would here observe, that my correspondence with Mr Smith has been voluminous, in relation the different interests, that I can't undertake to state, with precision, what where the immediate purport of those letters. The letters, of course, are proper evidence to be submitted, and will speak for themselves.

Question. By Barton. You have said the contract made by you with Mr. Dwight, has not been cancelled. Will you state why?

Answer. Mr. Dwight called upon me in New York, and said that he must have an interest in the Goochland mine. That he was on his way then to Virginia, to make a purchase of Captain Smith. I observed to him, at the time, that Captain Smith had sold, I believed, all his interest in the mine that he wished to dispose of; that he retained but a small interest. He said that he felt as though he really must have an interest in it; he had such information as induced him to be very anxious to have an interest in it. I think he stated that he received his information from Capt. Smith, at the Orange mine, where he had been I knew, in the month of June, as he called on me on his return from the mine. I stated to Mr. Dwight, that I had no wish to sell any of my interest in the Goochland mine, but that I might be tempted by a large price to sell one-eighth of one-sixth. He stated he was anxious to see the specimens and description of the mine, and wished me to name the price I would sell at, and to name an hour when he could see the specimens and description. An hour was named, and he came to

my house; and the specimens left with the referees, and Captain Smith's letter, and the plot I think, were shown to him, and the price then was named, and the terms, and I stated to Mr. Dwight that I knew nothing of the mine more than as exhibited and described in the letter of Captain Smith. He asked me if I had full confidence in the representation made of it. I told him I most certainly had the most entire confidence in the representations of Captain Smith; that I had full belief, certainly, that the mine was very valuable; that, although the price named was large, on the original cost, yet, if the mine was as rich and as valuable as I hoped and trusted it would prove to be, it would not be a large price for it. The business was very promptly closed, by a sale to Mr. Dwight, of one-eighth of one-sixth, as I before stated. I therefore considered that Mr. Dwight, having received his information from Captain Smith, as I supposed, and had the same evidence exhibited to him that enabled me to form my opinion of the mine, that he had no claim on me for cancelling the sale made to him. In addition to which, my losses on mining operations in Virginia being a very large sum, from $60,000 to $80,000, I can't say the precise amount without reference to my books, I had not the ability of refunding to Mr. Dwight the amount of the sale made to him. I am, however, now, perfectly willing to cancel the sale made to Mr. Dwight, by relinquishing to him all the interest that I have in the Goochland mine, the interest that I have in the Rowe plantation, purchased of Captain Smith, and whatever may be the value of or my interest in the Orange mine on the Grasty property.

A letter from Nathaniel Richards to W. K Smith, dated November 26th, 1832, was called for by the counsel for the plaintiff, and filed, see document (G. G.)

The plaintiffs here called for letters written by the witness to the defendant, Smith, bearing date as follows, to wit:

6th Dec. 1832, (H. H. No. 1.) 25th Dec. 1832, (H. H. No. 2.) Jan. 9th, 1833, (H. H. No. 3.) Jan. 19th, 1833, (H. H. No. 4.) which the defendant declined to exhibit, and thereupon, plainsiffs presented certain papers, purporting to be copies of said letters called for, and put the following question to witness:

"Did you or not write and send originals of these letters to the defendant, Smith, and if so, in what manner were they sent, and at what periods?"

Before the witness answered the question, the defendant, by his counsel, prayed that it might be noted, that he did not recognise the right of the plaintiff to call on him for the exhibition of the letters, adverted to in the preceding note, written by Nathaniel Richards to the defendant, and bearing date as is in said note stated. Nor does he recognise the right of the plaintiffs to use as evidence copies of the letters so called for. But, if those letters, or copies of them, shall be used as evidence by the plaintiffs, he, the defendant, reserves to himself the right of using, as evidence, such other letters of the same, Nathaniel Richards, in relation to the Goochland mine, written to him, the said defendant, as he may deem it expedient to use.

The question was then again propounded to the witness, and the copies shown to him: he answered, the originals of those letters were written by me, and forwarded to Captain Smith, by mail, either on the days of their date, or the subsequent dates, it is impossible to say which, as I sometimes write my letters in the morning, sometimes in afternoon, after the mail has departed; in whch case they go by mail the next day. (Filed marked H. H.)

The board then adjourned until 4 o'clock, P. M.

4 *o'clock, P. M. August 9th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, and the counsel for the plaintiffs and defendants.

The arbitrators stated that they had reconsidered the subject of the adjournment of the board, and had come to the conclusion, that if a day could be agreed on by the parties, that they would recommend (Gray dissenting) an adjournment to some day in November. After consultation it was agreed, that when the board adjourns this day, it shall stand adjourned until Monday, the 24th day of November next.

And then the board adjourned.

MONDAY, *Novenber 24th*, 1834.

The board met pursuant to adjournment.

Present: B. R. Wellford, R. B. Maury, W. F. Gray, arbitrators.

T. B. Barton, counsel for plaintiffs, and the defendant Smith, attended by his counsel, J. L. Marye.

The arbitrators read a letter from D. Trego, bearing date "Hartford, 24th August, 1834," in relation to a letter, said to have been delivered by him to W. K. Smith, see his affidavit, fol. which was filed, marked J. J.

A duplicate copy of the arbitration bond, ratified by John L. Moffatt, Joseph Curtis, Joseph Howard, Ebenezer Parker, Francis Allyn, John T. Howard, Mary Ann Wilmarth, administratrix of Jonathan Wilmarth, deceased, was submitted by Mr. Barton, and filed, marked K. K.

Ordered, that the meetings of the board shall be at 3 o'clock, P. M. until further order.

The board then adjourned, on motion of the plaintiff's counsel, until 3 o'clock, P. M. on Wednesday next, 26th instant.

WEDNESDAY, *November 26th*, 1434.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel, and the defendant, Smith.

A letter from W. K. Smith to Gustavus U. Richards, merchant, New York, bearing date November 13th, 1832, was partially read, and submitted to the board as evidence, to which counsel on opposite side objected; argument pro. and con.

And then the board adjourned.

THURSDAY, *November 27th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel, and the defendant, Smith.

The argument of yesterday was resumed, and other documents read in part.

The board adjourned.

FRIDAY, *November 28th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, and all the counsel.

The plaintiff's counsel proceeded to read and submit the following letters, viz:

William R. Smith to N. Richards, superscribed to Gustavius U. Richards, bearing date "Orange Mine, Nov. 13th, 1832," filed, marked L. L.

Same to same,	date November	22d,	1832, filed, marked	M. M.
Same to same,	December	1.	1832,	N. N.
Same to same,	December	3.	1832,	O. O.
Same to same,	December	4,	1832,	P. P.
Same to same,	December	10,	1832,	Q. Q.
Same to same,	December	29,	1832,	R. R.
Same to same,	December	31,	1832,	S. S.
Same to same,	January	7,	1833,	T. T.
Same to same,		10,	1823,	U. U.
William K. Smith to N. Richards,		Jan. 14,	1833, marked	V. V.
Same to same,		Jan. 21,	1833, marked	W. W.
Same to same,		21,	1833,	X. X.
	(2d of this date)			
Same to same,		Jan. 30,	1833,	Y. Y.
Same to same,		31,	1833,	Z. Z.
Same to same		Feb. 4,	1833,	A. 3.
Same to same,		19,	1833,	B. 3.
Same to same,		March 20,	1833,	C. 3.
Same to same,		May 4,	1833,	D. 3.

Wm. K. Smith to N. Richards, May 14, 1833, marked E. 3.
Same to same, 15, 1833, F. 3.
Same to same, 18, 1833, G. 3.
Same to same, 20, 1833, H. 3.
Same to same, 23, 1833, I. 3.
Same to same, 27, 1833, K. 3.
Same to same, 30, 1833, L. 3.
Same to same, June 3d, 1833, M. 3.

And then the board adjourned.

SATURDAY, *November 29th*, 1834.

The board met pursuant to adjournment.

Present All the arbitrators. All the counsel, and the defendant Smith.

The plaintiff's counsel proceeded to read and submit to the board, sundry letters from defendant Smith, viz:

Wm. K. Smith to C. H. Richards, dated 3d June, 1833, marked N. 3.
Same to Nathaniel Richards, June 10th, 1833, marked O. 3.
Same to C. H. Richards, 10th, P. 3.
Same to same, 11th, Q. 3.
Same to N. Richards 16th, R. 3.
Same to same, 17th, S. 3.
Same to Charles H. Richards, 17th, T. 3.
Same to N. Richards, 18th, U. 3.
Same to same, 19th, V. 3.
Same to Charles H. Richards, 19th, W. 3.
Same to N. Richards, 21st, X. 3.
Same to Charles H. Richards, 21st, Y. 3.
Same to same, 23d, Z. 3.
Same to N. Richards, 24th, A. 4.
Same to same, 27th, B. 4.
Same to Charles H. Richards, 27th, C. 4.

The plaintiffs having gone through with their documentary evidence, now at hand, and the defendant having none at hand, the board adjourned until 3 o'clock, on Monday.

MONDAY, *December 1st*, 1834.

The board met according to adjournment.

Present All the arbitrators. The plaintiffs, Guy Richards and Francis Allyn, and their counsel, Barton and Berry; the defendant Smith. The counsel for defendant being detained at Spottsylvania court, the board suspended proceedings until their arrival.

The counsel having arrived the board proceeded to business.

Mr. Barton read and laid before the board the following letters, viz:

William K. Smith to John L. Moffat, June 18th, 1833, D. 4.
Same to D. Trego, October 7th, E. 4.

The counsel for the plaintiff here announced that the evidence on their part was closed for the present, and the defendant having no witnesses in attendance, the board adjourned until to-morrow at 3 o'clock, P. M.

TUESDAY, *December 2d*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel, and the defendant.

Melville N. Walton, a witness on the part of the defendant, being duly sworn, deposed and said, that he is a native of Hanover county, Virginia, twenty-eight years of age, a farmer by profession, has also been engaged as keeper of a country store, has worked at the trade of a carpenter, and has also been engaged in the gold mining.

Question. By Marye. Be pleased to state any facts of which you may be possessessed touching the Goochland mine, and of ores or specimens from that mine?

Answer. Near the close of the year 1832, I think it was near the end of October or the heginning of November, Mr. F. Wiatt, and Mr. J. Hitz, jr. came to the Orange mine, Mr. Wiatt showed me a very fine specimen of gold ore, I suppose it might be termed ore, although it was mostly gold, there was some ore with it though; which specimens he told me he obtained at the Goochland mine. He stated that the Goochland mine was the most promising place that he had seen any where. I think it about a week, (perhaps a fortnight, I do not recollect precisely the time) after this conversation with Mr. Wiatt, Captain Smith told me that he had an idea of visiting the Goochland mine. He set off to go there in company with Mr. J. Hitz, jr. and on their return, Mr. J. H. jr. exhibited to me a number of very rich specimens of gold ore which he said he brought from the Goochland mine. About the first of December, I think, Captain Smith and Mr. Hitz set off again to visit the Goochland mine. Captain Smith told me that he had some intention of purchasing it. And upon their return Mr. J. Hitz, jr. delivered to me a parcel of ore which he stated came from the Goochland mine; and that he and his father procured it from the mine themselves. Part of which ore I washed, and found to be very rich of fine gold, and from which I collected a number of very handsome specimens, or rich specimens of ore. The remainder of the ore I put into bags, packed and nailed up in a box, labelled and sent to New York to Mr. Nathaniel Richards. That was the last I saw of it, and about all that I know of it. I delivered the box, as well as I recollect at this time, to Mr. Watchman, of Baltimore, to take on. It was put into the cart with his trunk when he left the mine in order to take the stage. Mr. Richards's name was marked, as well as I recollect, with ink, on the top of the box.

Question. By Barton. Did John Hitz, jr., and Captain Smith return from Goochland on both occasions you have spoken of together?

Answer. Yes.

Question. By same. What became of the specimens first shown you by John Hitz, jr.

Answer. Mr. Hitz kept them.

Question. By same. Were the specimens exhibited to you on the last occasion kept in your possession until sent to New York?

Answer. They were placed in the office, sir, where I slept.

Question. By same. Had Captain Smith access to them at all times?

Answer. He had during the day; on reflection, the specimens were delivered to me on Saturday night, as well as I recollect; or, rather, the lot of ore I should have said. I kept the key of the office on Sunday myself, Captain Smith was rarely ever in the office of a Sunday, and on this Sunday I don't think he was in the office at all. On Monday morning the ore was washed, or a part of it was washed by myself. The remainder I packed up on Monday evening, I think, in the box above spoken of.

Question. By same. Do you mean to state positively that Captain Smith could have had no access to the ore from the time it was delivered to you by Mr. Hitz?

Answer. I can't say, sir, that it was impossible for him to have had access to it, inasmuch as it was after breakfast on Monday morning before I took the ore from the office to wash it.

Question. Where were the specimens kept, and by whom?

Answer. Mr. Hitz brought no specimens from Goochland the last time, except the lot of ore before spoken of, at least he showed me none.

Question. By same. Why was the lot of ore put into the office, was any reason assigned by Captain Smith at the time?

Answer. No, sir.

Question by same. Was the ore soft or otherwise?

Answer. It was soft ore, sir, considered soft ore.

Question. By same. Did you state to Mr. Beazley and Mr. Davis, or to either of them, that you would not give the costs of this controversy for the Goochland mine?

Answer. I cannot say, sir, inasmuch as I cannot recollect every thing that I have said since the discovery of the Goochland mine?

Question. By Dr. W. Was the gold at all visible in the lot of ore sent to New York?

Answer. Yes, there was some visible gold.

Question. By Gray. What quantity did you send?

Answer. If I recollect right, four or five quarts.

Question. By Barton. Did you label the ore and specimens which were sent to New York, yourself?

Answer. I did, sir, I mean that I labelled the box, I packed up the ore, there was no specimens packed in the box of any other description, except a few pieces of ore from the Orange mine, which showed no gold, and merely put in to fill up. They were loose, not in the bags, they were hard, the ore from Goochland was in bags.

The examination of Mr. Walter was here closed, and there being no other witness in attendance, the board adjourned until to-morrow, 3 o'clock, P. M.

WEDNESDAY, *Dec.* 3*d*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators, all the counsel, and the defendant, Smith, and the plaintiff, Francis Allyn.

Benjamin H. Smith, a witness for the defendant, being duly sworn, deposed and said, that he is a brother of the defendant; a native of Massachusetts, but now a resident of Fredericksburg, between twenty-six and twenty-seven years of age; brought up an accountant.

Question. By Marye. When, and through whom, did you first hear of the Goochland mine?

Answer. In the fall of 1832, about a month previous to the purchase of the mine by my brother; I first heard of it from Mr. John Hitz, jr.

Question. By same. Did Mr. Hitz, on that occasion, exhibit any specimens of ore from said mine; and if so, what was the character of said specimens?

Answer. He did exhibit to me some specimens of the ore at that time. They were exceedingly rich in gold.

Question. By same. Do you know who induced your brother, W. K. Smith, to visit said mine, with view of purchasing it, and when was his first visit made?

Answer. Mr. J. Hitz, jr. and Mr. Wiatt; more particularly Mr. H. so far as I recollect. I suppose the celebrity of the mine at that time might have offered one inducement to visit it. His first visit was in the fall of 1832, and I think about a month after I had first heard of it. The date I cannot recollect.

Question. By same. Did your brother, on his return from said mine, express to you an opinion of said mine; and if so, what was that opinion?

To this question, Mr. Barton, counsel for plaintiffs, objected, as not being legal, which was overruled by the arbitrators. The counsel for defendant here proposed that the arbitrators should, unless objection was made by the plaintiffs' counsel, take the opinion of some gentleman, learned in the law, as to the competency of the evidence sought to be elicited by the above interrogatory, and that the arbitrators should be governed by the opinion thus obtained.

The plaintiffs' counsel declined according to the proposition. Thereupon, the defendant's counsel waived for the present, pressing an answer to the interrogatory.

Question. By same. Were you at the Orange mine when your brother paid his second visit to the Goochland mine?

Answer. I was.

Question. By same. Did J. Hitz, jr. accompany your brother on that occasion?

Answer. He did; they went in company from the Orange mine.

Question. By same. Were you at the Orange mine when your brother and Hitz returned?

Answer. I was.

Question. By same. Did said Hitz bring with him a lot of ore; if so, state its character, whether any of it was washed in your presence, by whom washed, and what became of that portion that was not washed?

Answer. He did bring with him from Goochland mine some ore; he stated to me that it came from the mine. It was in small pieces, had a dark brownish appearance, generally soft; had some gold visible to the naked eye. Some of it was washed in my presence by Mr. Walton, and some of it by my brother. I don't know what became of the remainder. Perhaps it may be well for me to state the reason that I don't know what became of the remainder. I went immediately after the washing to Fredericksburg, and made no particular inquiry as to what was done with it.

Question. By Gray. What was the ore contained in when Hitz brought it to the Orange mine?

Answer. It was in bags.

Question. By same. How much was there of it?

Answer. I can't tell exactly; I think there was two or three quarts. I did not take particular notice of the quantity.

Question. By Maury. What do you suppose was the size of the bags?

Answer. That is a question difficult to answer, after so long a period; they probably were about sixteen inches long, and six wide.

Question. By Botts. Were the washings which were made in your presence rich, or otherwise?

Answer. They were exceedingly rich, richer than any thing I had ever seen.

Question. By Gray. What was your employment at the Orange mine?

Answer. I was clerk and bookkeeper of the Virginia Mining Company.

Question. By same. What was the employment of Melville N. Walton at the Orange mine?

Answer. He was superintendent, having the care of the yard, grounds, works, &c. He also measured the timber, &c. that came to the place, and rendered an account of it to me. He had a general overlooking of the place, and the hands, &c.

Question. By Barton. What was the amount of the expenditures at the Orange mine, and how much gold was obtained from the mine?

(To this question objection was made by Marye, counsel for defendant, but on consultation with his colleague the objection was waived, the right being reserved in terms to interfere at any future time, should an inquiry be proposed, which was, by them, deemed improper. The question being thus allowed by counsel. One of the arbitrators here suggested a difficulty about propounding the question, as leading to an investigation of a subject excluded by a former

decision of the board. (See minutes, August sixth and seventh, 1834, fol. 113, et seq. 117.) The counsel for defendant stated that it was perfectly legal, and a common practice in courts of justice to permit evidence to be introduced, by consent of parties, which, in strict practice, was inadmissible. Whereupon, the point being submitted to the arbitrators, it was unanimously ordered, that the question be put.)

Answer. I could not say what the exact expenditure at the Orange mine were, without reference to the books, and they are not now in my possession. With regard to the latter part of the question, no return was made to me of the gold obtained; the entry of that was made in New York, on the books of the company there.

Question. By Barton. You say you cannot state the exact expenditure, will you state the expenses, as near as you can; and the amount of gold, as near as you can, that was obtained from the mine?

Answer. With regard to the expenditure, it would be entirely supposition on my part, because the expenditures recorded at New York were much larger than at the mine, and did not come into the books kept by me. (Counsel here explained that he desired to know the expenditure at the mine only, of course he did not expect the witness to speak of things of which he had no knowledge.) Witness proceeded; I think the expenses at the mine were about $30,000. I cannot be exact, but the amount may be easily ascertained, by reference to the books. As to the amount of gold obtained, I think it was somewhere about two thousand pennyweights, but this is entirely supposition.

Question. By same. What is the character of the expenses recorded in New York; what were they for?

Answer. In some instances for machinery, the purchase of a mining lease, the secretary's salary, and other things that I cannot particularize.

Here the examination of the witness was closed, and the board adjourned until to-morrow, 3 o'clock, P. M.

THURSDAY, *December 4th*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators, the plaintiffs, Guy Richards and Francis Allyn, and their counsel, Barton, the defendant, Smith, and his counsel, Marye and Botts.

There being no witness in attendance, the board adjourned until to-morrow, at 3 o'clock, P. M.

FRIDAY, *December 5th*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators, all the counsel, and the defendant, Smith.

Francis J. Wiatt, a witness for the defendant, heretofore examin-

ed, upon written interrogatories appended to the commission for taking depositions sent from the United States circuit court of New York, and whose examination was suspended when this cause was submitted to arbitration, was again produced and sworn.

Question. By Barton. You have stated that you have visited the Goochland mine five times, will you draw a diagram of the pits opened at the first and each succeeding visit, and give their relative positions and dimensions, so that a plan of the workings may be before us? Witness drew a rough diagram.

Answer. I do not recollect, as to the number of the pits, nor do I know that they were in a straight line, as I have put them here; there were four or five, I think. I didn't pay as particular attention as I would have done, had I not been accompanied by Mr. Hitz, who was a practical miner; I mean as to the formation, and the course of the operations there. Witness explained that he did not use the word formation technically, but in relation to the condition or appearance of the pits.

Question. By same. Which of the pits was opened when you first visited the mine?

Answer. The pit near the branch was opened, marked No. 1, and I recollect not whether the second was opened the first time I went there or not.

Question. By same. What was its dimensions at that time; what the length on the course of the vein; what the breadth transverse the vein; and what the depth?

Answer. I can't answer, with any thing like correctness, it would be merely conjecture. I conjecture that the place might have been fifteen or twenty feet, on what I supposed to be the course of the vein. The pit was, I think, irregularly dug, in some places wider than others, perhaps eight or ten feet wide. I can't speak with any thing like accuracy; I suppose when I first went there, it was about ten or twelve feet deep.

Question. By same. When was your first visit made?

Answer. That question was put to me before; I answered then from memory; I think it was in October, 1832.

Question. By same. Did you go into the pit at this time, and examine the formation; if so, what was its appearance and character; were the veins disseminated throughout it in threads of from two to six inches wide; and were there many places where several of them concentrated together?

Answer. I did not go into the pit at that time, nor do I recellect having ever been in the pit; the manner of my observing the pit was standing upon the surface of the ground, and seeing persons go down into the pit and taking ore from the vein, or what I considered the vein, in pans. I do not know that I could explain what was the formation of that place; what I considered the formation, was little threads of gold imbedded in slate. I know nothing about the number of them. I saw pansful taken up by the hands from this vein, or thread, which was very rich on washing in the pan. The place was,

what I considered the vein, very rich in gold; how many threads there were, I don't know.

Question. By same. When was your second visit made?

Answer. I can't recollect; it was within two weeks of the first visit; I don't remember the time exactly.

Question. By same. Which pits were then opened?

Answer. I can't reply, I don't know exactly.

Question. By same. Who went with you on the first visit?

Answer. Captain Bronaugh and J. Hitz, jr. I think they were with me.

Question. By same. Who went with you on the second visit?

Answer. The same gentlemen I think.

Qustion. By same. Did you go into any pit on the second visit; and if so, which of them?

Answer. I did not go into any pit.

Question. By same. When was your third visit made, who accompained you?

Answer. It was within two weeks of the second visit, somewhere about that time. I think at this time, Captain Smith, the younger Mr. Hitz, Mr. Mansfield and Benjamin Jenkins, who were neighbors, accompanied me.

Question. By same. What pits were opened at that time?

Answer. All but the fourth, or test pit.

Question. By same. How far was pit No. 1, from pit No. 2, on the diagram?

Answer. I can't say correctly; I suppose fifteen or twenty feet perhaps, it is altogether conjecture.

Question. By same. What was the length of pit No. 2, on the course of the vein, what the width across the vein, and what the depth?

Answer. I can't speak with any thing like accuracy on the subject. I should judge, according to the best of my recollection, about half the size of the first one, and about the same depth.

Here, on motion of Mr. Barton (who complained of indisposition) the board adjourned until to-morrow, 3 o'clock.

SATURDAY, *December 6th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators; plantiffs, Guy Richards and T. Allyn: Barton and Berry counsel for plaintiff, Botts and Mayre counsel for defendant.

The examination of F. J. Wiatt was resumed.

Question. By Barton. How far was pit No. 3, from pit 2.

Answer. I must answer altogether conjecturally. It was within thirty feet I should suppose, not exceeding that. I have no definite recollection of it at all.

Question. By same. What was the length of the pit on the course of the vein, what the breadth transverse the vein, and what the depth?

209.

Answer. I can't tell with any kind of accuracy, I should judge about the size of the second one, or near about it.

Question. By same. Did you go into the pits 2 or 3, or either of them during this visit?

Answer. No.

Question. By same. Did you examine the formation of either of these pits at this time?

Answer. I don't recollect that I did.

Question. By same. When was your fourth visit made?

Answer. I have before replied that I was there four or five times. I think that the fourth or fifth as the case may be, was early in December. It was the last visit that I made there.

Question. By same. What was the inducement to make this last visit?

Answer. It was made for the closing of the purchase, to negotiate the purchase of the place and to view it with the object of purchasing.

Question. By same. Are we to conclude then that what you saw on the previous visit was not sufficient to induce you and others to purchase?

Answer. I had seen enough before to satisfy my own mind on the subject. The object of Captain Smith's going was to see the test pit, the last pit that was cut, which I mentioned before.

Question. By same. You have said that you saw enough to satisfy you, and that you did not go into any of the pits and examine the formation. Will you inform us what you did see to satisfy you?

Answer. The ore that I saw washed as taken from the pits and washed by Mr. Hitz, and the opinion of Mr. Hitz, was enough to satify me.

Question. By same. Did you take any ore from either of the pits?

Answer. I answered that question before by saying, I never was in them.

Question. By same. Did you see any ore taken from the pits and washed in your presence?

Answer. I did several times, and washed one or more pansful myself, that were handed me from the pit. I recollect washing one.

Question. By same. How many pennyweights did it yield per bushel?

Answer. I know not, I never weighed any of it

Question. By same. How many pennyweights would the richest panful you ever washed from the Goochland mine, yield per bushel?

Answer. I don't know.

Question. By same. You have said that Captain Smith wanted to see the test pit before he purchased, was that opened before your last visit, or while you were there?

Answer. Before.

Question. By same. Who opened it?

Answer. Mr. Fisher I believe, one of the owners and the superintendent for the company, from whom the purchase was made.

Question. By same. Did you hear that the pit was opened before you went to Goochland the last time?

Answer. I did.

Question. By same. From whom and when?

Answer. Captain Bronaugh, I believe, gave me the information a very little time before the visit was made.

Question. By same. What was the length of this pit on the course of the vein; what the breadth, transverse the vein, and what the depth?

Answer. The depth I believe, was about twelve feet, the size I do not know, it was about large enough to admit two persons to work in it at one time.

Question. By Barton. Did you go into this pit?

Answer. No.

Question. By same. Were the pits Nos. 1, 2, and 3, full of water at this time?

Answer. I think not.

Question. By same. Did Captain Smith go into the pits 1, 2, 3, or 4, at this visit?

Answer. I think not, sir; not to my knowledge.

Question. By same. Did he go into either of the pits on your previous visit?

Anwer. I do not recollect that he did.

Question. By same. When was the contract made for the purchase of the mine?

Answer. The contract was made at this last visit.

Question. By same. Was it the day you arrived or the day after?

Answer. The terms were agreed upon the evening that we got there, and the writings closed on the next day. I think that was the way of it.

Question. By the same Did Captain Smith and yourself visit the test pit the day you arrived?

Answer. Yes, I think we did.

Question. By same. Will you state who were present at the closing of the contract?

Answer. I was present; I do not rocollect exactly who else, except the persons who were concerned in the ownership. And the two Mr. Hitzes were there part of the time. They went to the mine part of time, (while the writings were preparing,) to get out some gold. There came some strangers during the day, one gentleman from Richmond.

Question. By same. Will you name the owners, and what interest each had in the Goochland mine?

Answer. Moss and two of his sons, I think, held three shares, Fisher, and son, or sons, held two shares. Col. Bowles and Mr. Hodgson, each one share. I think that is the way it was held.

Question. By same. How much was paid to each?

Answer. Five of the individuals or shares the Mosses and the Fishers had $1,100 each. Col. Bowles and Mr. Hodgson, I think had $2,000 each.

Question. By same. Who were the negotiators on the part of the owners, and the principal men with whom the negotiation was carried on?

Answer. The negotiation was more particularly in the first place with Hodgson and Bowles, before the sinking of the proof pit, when $1,000 each was to have been given to the other five persons or shares; but Captain Simth offered the extra $100 to each one of those five individuals, provided he should take it on examination of the proof pit, which they permitted him to do. After that the whole party negotiated for themselves. Hodgson and Bowles were so anxious to retain an interest in the mine, as to propose to give up their shares at the same rate with the others and to become members of the company, to own two-sevenths of the stock, the same that they held before. This induced Captain Smith to give them more to get their interest.

Question. By same. Did the Mosses and Fishers know what Smith had agreed to give Bowles and Hodgson, before the contract was closed?

Answer. I expect not.

Question. By same. Was Hodgson and Bowles negotiating for all the owners before the agreement about the proof pit?

Answer. Not exclusively, but they were the most active in it.

Question. By same. Did they, or not state themselves authorized to contract for the mine? Did they, or not, pursuade others to sell?

Answer. I don't recollect in relation to the first branch of the inquiry. I don't know whether they pursuaded others to sell or not. I did not hear them, the others appeared to be pretty well satified with the price they got.

Question. By same. You have stated that the gold ore found in talco or mica slate, quite soft or decomposed; what is talco slate, and what is mica slate?

Answer. I do not recollect to have used the terms talco and mica slate. I stated that it was in a decomposed substance, embedded in slate. That is what I thought I said, and what I design now to say, I do not know what is talco slate, and what is mica slate. I am not acquainted with the different names of slate.

Question. By same. You have said that there had been upwards of one hundred feet on the vein developed, which proves to be very rich indeed, much richer than any thing discovered in the United States, and the quality of the gold surpasses any thing heretofore discovered in any country. By essaying it proves to be 23 $\frac{2}{3}\frac{1}{3}$ carets fine. Do you know these statements to be true of your own knowledge?

Aswer. No.

Question. By same You have said that "as far as the mine has been devloped, it presents the most flattering prospects, as the formation in which the ore is found is quite wide, a distance in one place of twelve feet has been cut, and the veins are disseminated throughout the whole formation." Do you know these statements to be true?

Answer. As to knowing, I do not know, but I believe that the first part of the question is true, that is, as far as "flattering prospects."

Question. By same. You have said there is ore from this mine

that will, without doubt, yield several hundred pennyweights of gold to the hundred pounds. Do you know this to be true?

Answer. I believe there was ore that would yield at that rate.

Question. By same Do you know there was ore that would yield at that rate?

Answer. Not having tested or weighed it, I can't say that I know it.

Question. By same. Did you take, or see taken, from the mine any o re that would yield that much to the hundredpounds.

Answer. I have seen ore taken out that I thought would yield at that rate.

Question. By same. How much?

Answer. I have seen a small quantity of rich ore in a panful of substances taken out of the mine, enough to constitute a very rich washing as I thought. I can't say how much.

Question. By same. How much of the ore that would yield at that rate, per hundred pounds, have you seen taken from a panful. How large a piece of ore. What would it weigh?

Answer. I can't say.

Question. By same. Was it one or two inches square, would it fill a quart pot, or a pint one, or a cup?

Answer. I can't speak definitely as to the size, more than I have already answered.

Question. By same. Did you wash that piece of ore separately. How many pennyweights did it yield?

Answer. I did not wash it.

Question. By same. Which pit was it taken from?

Answer. I cant speak positively. I think the first pit I have seen the richest from. If there was any difference, I think the first was the richest. I have seen very rich ore from all of them. I don't speak of any particular ore. I have seen ore of the description spoken of, from most of the pits, but the first pit strikes me as having been the richest.

Question. By same. Do I understand you to say that you have seen ore from each of the pits that would yield at that rate?

Answer. From most, if not all of them.

Question. By same. Will you designate the pits from which you have seen ore of that quality taken?

Answer. You may take my last answer to that question as applicable. It is as particular as I can be from memory.

Question. By same. Who took it from that pit, or pits?

Answer. Different persons, digging at different times from the pits. (will you name them?) I can't name them. I have seen many persons laboring in the pits, and handing out ore. Young Fisher at one time, and many others.

Question. By same. At which of your visits did you see such ore taken from the mine?

Answer. At most, if not all of them.

Question. By same. How many pennyweights of gold did you ever see obtained from one panful of ore?

Answer. I can't say.

411.

Question. By same. How do you ascertain what quantity ore will yield to the bushel?

Answer. By comparing its appearance with other ore from other veins, that I have tested.

Question. By same. Did you ever wash a panful of ore from Goochland mine, and ascertain what it would yield per bushel?

Answer. I never did.

The examination of of Mr. Wiatt was here closed.

Joseph Hodgson, a witness for the defendant, being duly sworn, deposed and said. He was thirty years of age, a native of Washington city, a merchant by profession, a resident of Columbia, Fluvanna county, Virginia. Has known the plaintiff, Guy Richards, only since this arbitration commenced; first saw him in Fredericksburg, last summer. First knew the defendant, Smith, in 1832, when he was in treaty for the Goochland mine.

Question. By Botts. Will you state what you know concerning the Goochland mine?

Answer. My first acquaintance with the Goochland mine was after I had purchased an interest in it. I was induced to purchase this interest by the representations of Mr. George Fisher, the elder. He had been in the habit of working gold. I considered him to be a judge of such matters, and I was unacquainted with such matters altogether, although I had seen them rocking.

(Here the witness requested permission to write his affidavit, which being acceded to, wrote as follows, (see below.)

I was induced to purchase an interest in the Goochland mine by the representations of George Fisher, senior, who was a man, as I considered, of experience in that business, and in whose integrity I put the most implicit confidence. I purchased an interest by Mr. Fisher's representation, without seeing the mine; but before purchasing, I made a contract with the party from whom I purchased, that Mr. Fisher should have the whole superintendence of the mine, for our mutual benefit. There were others who bought shares at the same time, and they all entered into that arrangement. Sometime after this arrangement was made, Mr. Fisher proceeded to make arrangements to work the mine, and about that time I visited the mine for the first time. He commenced by cutting a very long ditch to convey water to the mine, which occupied him about a month, or longer, with seven hands. They failed in getting the water by that ditch, and commenced another, which occupied a considerable time before they could obtain the water. After obtaining the water, and making other necessary arrangements, Mr. Fisher rendered me an account of, I think, three and a half days washing of the dirt and ore, which produced for my part, about enough of gold to pay my proportionable part of the expense of making the necessary preparations. Before Mr. Fisher commenced working the mine, I took a long handled shovel and from a hole about four or five feet deep, and obtained from that hole Mr. Fisher said was the vein, about six pans of the dirt and ore, (the pan would hold about a gallon) and washed them separately,

and the fine gold and lumps of ore that I obtained from each panful, I put in sparate pices of paper, and carried those samples to Baltimore, Maryland, and exhibited them to a number of gentlemen, and particularly to Mr. Ryser, who I understood was interested in a silver mine in South America. He observed to me, that he had been deceived in that mine, and he would not be engaged in any other mines, and advised me to sell whenever I could make a good profit. He examined the gold I exhibited, and said if I would deliver him such ore as that, he would give me ten thousand dollars a ton for it. After my return from Baltimore, Mr. Wiatt came to look at the mine, and desired to see me; so Col. Bowles wrote to me. I immediately went to Col. Bowles', where I met a person by the name of Walton, who undertook to advise me not to sell, as he had examined the mine, he said, and it presented the richest appearance in the world, and observed that the mine was inestimable, and he would not, if he was in my place, suffer any set of men to cheat me out of it. He represented himself to be a miner, and had been extensively engaged in that business, which I learned to be facts from several persons. I knew nothing about mining, and put confidence in his statements, which increased my estimate on the mine. There had become a contention between Mr. Fisher and some of the partners, which made the business a very disagreeable one to him, and from the unpleasantness of his siuation, he determined to sell out his interest, for the best price he could obtain, provided it met my and Col. Bowles' approbation; but we would not consent, for we would not have engaged in the business without his being agent, to protect our interest. The business became very much confused, and we all agreed we would sell.

Question. By same. Do you know whether or not, any person or persons, visited the mine about the time of Smith's purchase, disposed to give more for it than was given by Smith; if so, state who it was, and how much was offered?

Answer. The same evening that Mr. Smith closed the contract with the parties owning the shares of this mine, Albert Shepherd, from Louisa county, arrived at the mine, and, as I understood next morning from him, that he was authorized by a company from Louisa, to buy the mine at $14,000 or $15,000; I think it was $15,000; it was one or the other. And the morning after Mr. Smith concluded to purchase, Mr. Mills and Mr. Anderson arrived at Col. Bowles' before breakfast, where all the parties interested in the gold mine, were writing up their articles of agreement, and Mr. Mills observed he came for the purpose of negotiating for the Goochland gold mine; he and Mr. Anderson. Anderson was from Richmond, Mr. Mills from Goochland.

Question. By same. Was any offer made by the gentlemen, or either of them, for the mine, or any portion of it?

Answer. No. I did not hear any proposition made, or that they intended making, at that time.

Question. By same. Are you acquainted with John G. Davis, of Goochland County?

Answer. I think I have seen him three or four times. No particular acquaintance with him.

Question. By same Did you, or did you not, say to Mr. Davis that the ore locked up in the cabin, at the Goochland mine, before the purchase made by Smith, was put there for the purpose of producing effect abroad, or did you make any observation of a similar character?

Answer. I do not recollect of ever having a conversation respecting the ore with Mr. Davis, nor do I believe that I made such a statement, thereby implicating Mr. Fisher, who was the agent, in a fraudulent transaction. Mr. Fisher managed the mine himself, and I do not recollect of my ever advising him, in the minutest particular, respecting the mine; nor did I ever direct him to put the ore in the house for the purpose of making an effect abroad, or for any other purpose whatever. The management of the mine was with Mr. Fisher, to do as he pleased. Perhaps, to explain this matter more fully, I have never listened to Mr. Davis's conversation with any respect, which I considered was neither edifying nor amusing, and he might have made some remark which I unobserved, and perhaps which he thought I gave my assent to.

Question. By Barton. What was the christian name of the Mr. Walton of whom you have spoken in your affidavit?

Answer. I never learned his christian name. I have understood he worked mines in Fauquier, and in North Carolina. He was not the Walton who worked at the Orange mine.

Question. By same. Do you know that Albert Shepherd was authorized to purchase the Goochland mine, for a company? Did he exhibit to you any power or authority from them?

Answer. No. I do not know it, nor did he exhibit any power. But he is a man of fair character, and has property, and I would have treated with him upon his individual responsibility; as much so as I would have done with Mr. Wiatt or Mr. Smith.

Question. By Barton. Was any ore put in a cabin?

Answer. There was.

Question. By same. What became of it?

Answer. I told Mr. Kirtley, one of the partners, or rather one who was interested in the mine, I don't know what his interest was, or what share he had, it was a mixed up sort of business. I told him that it would be inconvenient for me to go from home to attend to the getting the gold out of my part, and that he might have it; what has become of it, I don't know. But I am under the impression that Mr. Kirtley told me he got the gold out of it.

Question. By same. How much gold was obtained from the mine before it was sold to Smith?

Answer. I can't come to dollars and cents about it. I think all the gold that I received, for one-seventh part, my proportion, was obtained from the three and a half days' work I mentioned in the preceding part of my deposition, which amounted to, perhaps, two months hire of one hand, at $10 per month.

Question. By smae. What was your net profit on your share?

Answer. Nothing.

Question. By same. What was the reason that Fisher did not succeed in obtaining water by the first ditch he cut?

Answer. The stream was small, and the ditch was very long, and they came across a rotten stump, and the whole of the water ran down; the ground absorbed the whole of it.

Here the examination of Mr. Hodgson was closed, and the board adjourned (9 40-60 P. M.) until 3 o'clock, P. M. on Tuesday next.

TUESDAY, *December 9th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel, and the plaintiffs, Guy Richards and Francis Allyn.

There being no witnesses present, the board adjourned until 3 o'clock, P. M. to-morrow.

WEDNESDAY, *December 10th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel and the plaintiffs, Guy Richards and F. Allyn.

There being no witnesses present, the board adjourned until to-morrow at 3 o'clock, P. M.

THURSDAY, *December 11th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, the plaintiffs Guy Richards and F. Allyn, and their counsel, L. W. Berry and Botts and Marye, counsel for defendant.

There being no witnesses in attendance, the board adjourned until to-morrow at 3 o'clock, P. M.

FRIDAY, *December 12th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrator, all the counsel and the plaintiffs, Guy Richards and F. Allyn.

George Fisher, senior, a witness on the part of the defendant, being duly sworn, deposed and said, that he is fifty-nine years of age; a native of Loudon county, Va., engaged at this time in getting of gold; brought up to no particular profession; a resident of Fluvannah; has known the plaintiff, Guy Richards, since last April; saw him for the first time in Goochland, just before the meeting of the board in May last; has known defendant, Smith, about two years.

Witness was shown the specimens of the washings, placed in the hands of the arbitrators by N. Richards, and referred to in his examination (see fol. 121), August 8, 1834, and requested to take them to the light, and examine them carefully, which he did.

Question. By Marye. Do the specimens which you have just seen, show extraordinary results for the Goochland mine: or have you repeatedly taken, and seen taken from that mine, specimens as rich, or richer?

Answer. I have certainly seen richer specimens taken from the Goochland mine, than I see here. I have certainly repeatedly seen them.

Question. By Botts. Will you state what you know relative to the Goochland mine?

Answer. I attended to all the works done at the Goochland mine, for about three months previous to the purchase made of that place by Captain Smith. During that time, we cut on the vein in five different places. The first cut we that made is No. 1 (on diagrem used by witness, filed and marked F 4): I suppose it to be about sixteen feet long across the vein, and eight with the vein; twenty or twenty-one feet deep; well, in that pit, sir; we found in different places rich ore, in spots about; and in other places, sir, we scarcely found any gold; here you will see (showing on diagrem), the vein was spotted in that way. In some places we found a great deal of gold, in others very little. Pit, No. 2, fifteen or sixteen long on the vein; five or six feet deep; about four or five feet (five feet, perhaps) in width. Pit, No. 3, about fourteen feet long on the vein, about six or eight feet deep, and about the same width of No. 2. In No. 2, sir, we found but little gold: from No. 3, we washed three days. This is the result of three days' washing (reading from memorandum):—

Oct. 5	63 pennyweights	}	Amalgam Gold.
" 6	64 "		
" 7	62 " 2 gr.		

In the three days, we got 16 pennyweights, 9 grains, of what we termed lump gold; that is, gold that would not pass through the sieve. This was exclusive of the amalgam gold above-mentioned.

Cut, No. 4, five or six feet deep, and I suppose it was five or six feet wide: it was merely cut wide enough for one man to work in it conveniently. In that pit, we found no gold. It was the most S. W. cut on the vein, and might have been five or six feet long on the vein.

No. 5, is what is termed Captain Smith's proof pit; five feet by eight; twelve feet deep; five feet on the vein, and eight across it. In that pit, sir, we found some rich specimens of ore; and other parts of it, we found very poor. Well, gentlemen, that is all the work that I have done there.

Question. By Botts. Do you know whether or not any one visited the Goochland mine, with a view of purchasing it, about the time of Smith's purchase? and if so, who was it? and did you understand what he was prepared to offer for it?

Answer. I have no knowledge of any persons making an offer for it, except Captain Smith; though I have been told (here the witness was stopped by counsel for plaintiff).

Question. By same. Did you ever give Mr. John Hitz, junior, any specimens of ore? and if so, where did they come from?

Answer. It is very possible I may have given Mr. Hitz specimens

of ore, but I have no recollection of it: if I did give him any, they must have come from that place, the Goochland mine, as I never saw Mr. Hitz at any other place, until since then.

Question. By same. Were the pits, trenches, &c. filled up after Smith's purchase?

Answer. Pit, No. 5, I had filled up at the request of Captain Smith. The other pits I had nothing done to, gentlemen.

Question. By same. What was the character of the ore locked up in the cabin, prior to Smith's purchase?

Answer. The ore in the cabin was taken entirely from pit, No. 1. Some parts of the ore, I think, was very good; but I have no doubt a large portion of the rubbish from about the vein was mixed with it; and that, although it might have contained some gold, had not a great deal.

Question. By same. Was it locked up for the purpose of producing effect abroad?

Answer. By no means: it was placed there entirely for our own use.

Question. By same. Had you confidence in the Goochland mine, at the time of Smith's purchase?

Answer. I had: I thought very highly of it.

Question. By same. Did you consider the vein or veins regularly formed, and giving promise of permanency?

Answer. I thought they were. They were regular, so far as we went on them. We found gold at the greatest depth we went.

Question. By Marye. Were all the pits filled by water or otherwise, so as to prevent access to the ore; I mean, after the purchase by Captain Smith?

Answer. Pit, No. 1, sir, was filled with water: the others, I think, were not.

Question. By Barton. When did Moss purchase the Goochland mine?

Answer. I think it was purchased in August, 1832.

Question. By same. What did he give for it?

Answer. Gentlemen, I am not able to answer that question precisely: it was three and a half or four dollars per acre though, that he gave for it. He purchased the whole tract.

Question. By same. Do you know how many acres there were?

Answer. I am not certain as to the number of acres: I think there was between 350 and 400: though I am not certain.

A copy of the plot or map of the Goochland mine tract, which was admitted by defendant to have been copied by J. Hitz, junior, and sent on to Nathaniel Richards of N. Y. defendant also agreed that it be used as evidence, provided that the letter that aceompanied it be produced. (Filed, and marked G 4.)

Question. By Barton. Was the vein discovered before Moss purchased the land?

Answer. It was.

Question. By same. Was this known by the person who sold it?

414.

Answer. I think not. I am told not; but I was not present at the time of the purchase.

Question. By same. Did you know it at the time of Moss's purchase?

Answer. I did. Moss had shown me ore from that place that corresponded with this that I see here, and what I saw in the vein afterwards, which he told me came from that place.

Question. By same. Was the mine worked by Moss and others, after the purchase? and if so, who were the company?

Answer. It was worked by Moss, Bowles, Hodgson, two Fishers, Bronaugh, and Edwards.

Question. By same. How many shares were there, Mr. Fisher?

Answer. Seven.

Question. By same. Do you know what each gave for his share?

Answer. I don't know the exact sum, but I can come pretty near it I expect. I think that Bowles gave $150, and Hodgson $200: but I may be mistaken; I am not positive. I myself gave $500 for one, and they gave me another to attend to the business. Bronaugh and Edwards gave $500 for one share between them. Moss held the other two shares himself. These sums were given for a perpetual lease of the land, for mining purposes only; the fee of the land being in Moss.

Question. By same. What operations were had there as a surface mine?

Answer. It had been worked by Cole and Woodfolk, by Thomas Payne, before Moss's purchase. Very little washing, as a surface mine, was done after Moss's purchase, for the surface had been nearly washed out.

Question. By same. How long was it worked before Moss's purchase, and by how many hands?

Answer. Seven hands were generally employed at one washer—that is, I suppose they employed that many: that is the usual number employed. I was seldom there. Two washers were employed at that place, perhaps, three months each: I think about that, though I don't know. I think it would take that long to wash over that much ground. This is only guess work with me.

Question. By same. Do you know the results of their labors? was it profitable, or otherwise?

Answer. I know nothing of the matter, sir, only what I have been told.

Question. By same. Do you know why they discontinued to work it as a surface mine?

Answer. They never assigned any cause to me. I know nothing but what I have been told.

Question. By same. How long did your company work it as a surface mine? with how many hands, and with what results?

Answer. About two weeks, sir. We discontinued, sir, because we found no ore worth washing.

Question. By same. When did Mr. Smith first visit the mine?

Answer. I think it was in October, 1832.

Question. By same. What pits were opened at Mr. Smith's first visit?

Answer. Pit No. 1. No other, I think, on Mr. Smith's first visit.

Question. By same. When was Mr. Smith's second visit made, and what pits were opened then?

Answer. Well, now, I am not confident whether Captain Smith was there two or three times. If only two, it was in December: his last visit, I think, was in December, when the purchase was made. The pits were all opened at that time, except No. 5.

Question. By same. Did you see Captain Smith, at either of those visits, go into either of the pits? and if so, which of them?

Answer. I have no recollection of ever having seen Captain Smith in either, sir.

Question. By same. Was Captain Smith satisfied to take the mine at the first visit? If not, state the reasons he assigned for not doing so.

Answer. He was not willing to take it on his first visit, and required that shaft or pit No. 5, should be sunk forty feet, I think; but left it optional with himself to take it at a less depth.

Question. By same. Did Mr. S. state whether he considered the vein a regular one? did he express doubts whether it was so, and therefore require a proof pit dug?

Answer. Mr. Smith never expressed any doubts about the regularity of the vein to me; and I suppose that his object in having pit No. 5 sunk, was to ascertain whether gold could be found on other parts of the vein.

Question. By same. By whom was the proof pit opened?

Answer. It was opened by myself, or under my direction, at the request of Captain Smith.

Question. By same. Did you make any washings there? If so, state the number, and from what part of the pit?

Answer. I washed about two gallons of the ore from the top of the vein, very near the surface, at the request of Mr. Payne. I weighed the amalgam (it was taken up in quicksilver:) it weighed, I think, seven pennyweights, twenty-one grains, worth about 45 to 50 cents per pennyweight. I also washed on different parts of the vein, as I went down; in some places I found gold, in others very little. The vein at the bottom of the pit, twelve feet deep, I considered the ore very good. Captain Smith expressed himself satisfied with it, and immediately took it off our hands. Closed the contract.

Question. By same. How much gold did you get at the other washings that you made from the proof pit?

Answer. I never weighed any except in one instance, and got but little, sir, except at the depth of twelve feet, and there I thought we left the ore rich.

Question. By same. What was done with the ore thrown out of the pit? was it reserved, or was it thrown away?

Answer. The ore taken from the bottom of the pit, we left on the the ground; it was just thrown out, except about one bushel, or may

413:

be not so much, which we gave to the two Mr. Hitz's, at the request of Captain Smith. I don't know what they did with it; they took it away with them.

Question. By same. Were the two gallons washed by you, carefully selected, or taken as an average?

Answer. It was carefully selected.

Question. By same. Was it taken from the vein? or was it what is called at the Goochland mine, marrowfat?

Answer. I don't understand the term. It was taken from the vein. It ran in little stripes; but it certainly made a part of the vein. The principal part of the vein was composed of brown oxide of iron. The panful that I washed was composed of these little stripes that ran in front of the vein. These stripes resembled decomposed quartz. They were of a whitish yellow, or rather a tinge of yellow. (Witness explained that by the front of the vein, he meant the upper surface of the vein, which lay at an angle with the surface of the earth, of about forty-five degrees.)

Question. By same. When these whitish streaks were found, was it near the surface; or did it continue down as far as your digging went?

Answer. I think they were found at the greatest depth that we sunk.

Question. By same. Do you recollect whether there was rain a day or two before Captain Smith paid his last visit?

Answer. I do not.

Question. By same Had the proof pit caved in, and was there mud and water at the bottom of it?

Answer. The proof pit had never caved in, until all the ore was taken out that ever I saw taken out, sir; if it caved in after that time, I have no knowledge of it.

Question. By same. Were you present when Messrs. Hitz took a bushel of ore out of the pit?

Answer. I had it taken out for them, though I was not present when they did take it from the shaft. But I saw it afterwards.

Question. By same By whom was it taken out?

Answer. By two negro men then in my employment.

Question. By same. What is the richest washing that you ever made at the Goochland mine from one quart of the ore?

Answer. I recollect washing one quart of ore, and I think the gold that I got from it was worth $1 80. I am not sure that was the exact amount, but I think that it was.

Question. By same. Did you ever make a richer washing than that?

Answer. I have no recollection that I ever did.

Question. By same. What is the general character for truth and integrity of John Winston Payne?

Answer. I should place implicit confidence in any statement made to me by Mr. Payne.

Question. By same. Did Captain Smith desire you to send, or to

procure for him the richest bushel of ore that you could find at the Goochland mine?

Answer. Captain Smith did request of me to send him a bushel of ore from the Goochland mine, and requested that it might be rich; but whether he said the richest or not, can't say.

Question. By same. Did he say if it were not rich it would not answer his purpose to the north, or words to that effect?

Answer. He said if it were not rich it would defeat the object that he had in view.

Question. By the same. Did you procure him a bushel?

Answer. I did send about a bushel, I suppose, to Captain Smith; the bushel I have already mentioned as sent by the Messrs. Hitz.

Question. By same. Have you not seen a great many washings from the Goochland mine that produced much poorer results than the specimens shown you to-day?

Answer. I have.

Question. By same. How many bushels of ore do you suppose were washed in three days' washing that you have described?

Answer. Its a little difficult for me to answer the question. We had two carts hauling. I think one would haul about seventy and the other fifty bushels per day, which is three hundred and sixty bushels in three days.

Question. By same. Did you say that you obtained in three days, 1st 63, 2nd 64, and 3d 62 pennyweights 2 grains of gold; or of the amalgam; if of the latter, how much was it worth per pennyweight?

Answer. It was amalgam. I estimated this at 70 cents per pennyweight; I think it was worth it.

Question. By same. How many carets fine was this gold?

Answer. I never made an experiment, but I did not think it as fine as the gold found in the neighborhood.

Question. By same. Did you furnish Captain Smith with any gold from that mine, or any specimens?

Answer. I have no recollection of ever having furnished Captain Smith with either gold or specimens from that place. Though it is possible I might have done it. I never refused them to any one.

Question. By same. Was the gold obtained from that mine received and kept by you?

Answer. It was.

Question. By same. What was the result of all your workings there? was it profitable or otherwise?

Answer. I think the gold that we obtained about defrayed the expense, perhaps of getting it.

Question. By same. Did you sell the gold obtained from the mine yourself, and to whom?

Answer. I did not sell it, it was divided; I divided it.

Question. By same. What became of the ore in the cabin?

Answer. That was divided among the parties concerned, that is, into seven parts. Two parts were washed, (viz. Bowles' and Hodgson's) without pounding, and they produced, I think, about $27; had they

been pounded they would have produced more. I did not attend to it. I was not present when it was done.

Question. By same. How full was the cabin? what quantity of ore did it contain?

Answer. The cabin was, I think, perhaps ten feet by twelve, and I suppose the body of that cabin was rather more than half filled. In some places I suppose it was seven feet deep, in others not so much. There was room left for the door to open, and it opened inwards.

Question. By same. Did Col. Bowles and Mr. Hodgson nogotiate for themselves and the other owners in the sale of the mine tract?

Answer. They did. They were appointed by the other parties concerned for that purpose.

Question. By same. What did Col. Bowles and Hodgson and each of the other owners receive for their respective shares?

Answer. I am not able to say, gentlemen, what the others received. I received $1,100 on each of the shares that I held, and I understood that was what the others received.

Question. By same. What amount was paid by Captain Smith for sinking the proof pit?

Answer. I am not able to say what was paid by Captain Smith; he never paid any thing to me, nor do I know that he paid any thing to any body else.

Question. By same. Was it not the original understanding that Captain Smith was to pay $1,000 per share, and $100 more per share for the privilege of sinking the proof pit, in the event of a purchase?

Answer. If this was the understanding, I think I never was made acquainted with it. I have no recollection of it. It is possible it might have been, though.

Question. By same. You have said that Col. Bowles and Mr. Hodgson each owned one share; how then did they become entitled to $2,000 each, which Captain Smith states he paid to them?

Answer. I am unable to say. I never knew that they did receive $2,000 each until this time. I never knew what they received.]

Question. By same. Were they as anxious to sell as the other share-holders? did they urge a sale?

Answer. They appeared to be quite anxious to sell, until a few days before the sale. Col. Bowles observed to me that he and Mr. Hodgson would withdraw their shares; that they would not sell.

Question. By same. Do you know what induced them to change their minds and sell?

Answer. I do not; they never assigned any reason to me for doing so.

Question. By same. How much ore did you ever see at the Goochland mine that would yield at the rate of $1 80 cts. per quart?

Answer. Really it is impossible for me to answer that question accurately, sir. I never did wash but the one quart that yielded that; but I think I have seen several that yielded that much. I have seen some very rich ore, sir, from that place.

Question. By same. Was not such specimens as you speak of carefully selected?

Answer. I have seen many parts of the vein where I suppose a bushel, or a bushel and a half of such ore might have been got out of one spot, but this was of rare occurrence; other parts were very poor.

Question. By same. Do you think that the ore, on average, taken from the vein, would yield $1 80 per quart?

Answer. I think it would not.

Question. By same. How many feet in length on the vein was exposed to view, at the time Smith bought the mine?

Answer. I suppose about forty-two feet.

Question. By same. Do you believe that the vein thus exposed to view would yield $9,000.

Answer. You must let me ask you another question; tell me how deep you would let me take it? What was exposed to view, I think, would not produce $9,000.

Question. By Marye. When did the conversation between yourself amd Captain Smith take place, in which he requested you to send him a bushel of rich ore?

Answer. It was either the day that it was sent, or the day previous to that, I am not certain which, either one or the other.

Question. By same. By whom did he direct you to send it?

Answer. By the two Mr. Hitzes, or one of them, I am not positive.

Question. By same. Were the two Mr. Hitzes, or either of them present, when this direction was given?

Answer. I don't recollect that they were present.

Question. By same. Did the Messrs. Hitzes, or either of them, apply to you for the delivery of the bushel of ore above referred to, or any ore?

Answer. I don't recollect whether they made any personal application to me, sir; it was laid out for them, and they took it.

Question. By same. From what place was it taken by them, and in what was it contained, when it was so taken?

Answer. It was taken from pit No. 5; what it was put in there I cannot tell; when I saw it, it was in a bag.

Question. By same. Did you see it put into a bag?

Answer. I have stated to you, sir, that it was taken from the shaft. I was not present. I did not see it put into the bag, but I saw it afterwards in the bag.

Question. By same. Was it dug from the shaft in your presence?

Answer. It was, I had about the quantity thrown out, I did not see them take it, if any more was taken I know nothing of it, the the Messrs. Hitz may have taken out other ore, I know nothing about it.

Question. By same. In what manner was it brought from the point where it was dug to the surface, was it thrown up on spades, or brought up in a vessel, and if in a vessel, in what kind?

Answer. They had a rope and bucket, sir, for hoisting it out, if

they had any other way of getting it out, I was unapprised of it; that was the usual way, and I presume that was the way they got it out; it was rather too deep to throw it up with a spade.

Question. By same. Were you in the pit at the time this ore was dug?

Answer. I think I was not, the pit was small, and there was not room for two to be in there while one was at work.

Question. By same. Who was in the pit when the ore was dug?

Answer. I have already stated that it was dug by two negro men that were in my employ at the time.

Question. By same. Was no other person in the pit, whilst the two negroes were engaged in digging this ore?

Answer. I have no recollection of any persons being in there, though there may have been several, I cannot pretend to say who was there.

Question. By same. Did you go with the negroes to the pit to commence the digging, or did you send them?

Answer. I was at the place, sir, when I directed them to dig out the ore.

Question. By same. Was any earth or water removed, before the ore above mentioned was dug from the pit?

Answer. It is very probable that both were removed, water I recollect came in very freely from the bottom, and the earth was tumbling in, in small portions from the sides, I have no recollection of any considerable quantity being drawn from the pit.

Question. By same. Was the ore when taken from the pit mixed with mud, or was it free from all extraneous substances?

Answer. In digging up a soft substance like the samples on your table, exactly the sort that is in the mine, where there is water, it can't be expected that it can be taken out without exhibiting a muddy appearance.

Question. By same. From what part of the pit was it taken?

Answer. From the bottom, on the east end.

Question. Was it taken from the vein?

Answer. It was taken entirely from the vein.

Question. By same. What was the width or thickness of the vein at the point from which it was taken?

Answer. I suppose between six or nine inches.

Question. By same. What was the depth to which the excavation was made in getting this ore?

Answer. I can't recollect, the vein was about six to nine inches, and to get a bushel of ore from so narrow a space, would require, I suppose, a dephth of a foot or eighteen inches.

Question. By same. Did you remain at the pit throughout the time the negroes were engaged in digging this ore?

Answer. I was at the pit at the time they commenced digging, and I think they had got out the quantity that I supposed would be required before I left, but the Mr. Hitzes may have got more. I can't tell, I was not there while they were there.

Question. By same. Have you ever mentioned to any one the conversation with Captain Smith, to which you have alluded?

Answer. Yes, I have mentioned it to several, its a thing I made no secret of.

Question. By same. When did you speak of it for the first time, and to whom?

Answer. The very day that the transaction took place, I mentioned it to several, and I think, I mentioned it to most of the parties concerned.

Question. By same. What led you to speak of it?

Answer. I had no motive in speaking of it, farther than this: It was a matter not only known to me, but to all the others, I believe.

Question. By same. What was the matter that was known to all the others?

Answer. The circumstances of Captain Smith's having requested this ore to be taken from the vein, sir.

Question. By same. Was that all that you communicated in the different conversations to which you have adverted?

Answer. All that I recollect.

Question. By same. Were all, or any of the parties concerned in the mine, present when you held the above conversation with Captain Smith?

Answer. I don't recollect, sir, who was present, there might have been several present, I can't say.

Question. By same. Did Captain Smith tell you to go to the pit and take the ore from the vein as you found it?

Answer. He requested me to sent him about a bushel of rich ore, sir, and left the balance discretionary with myself, I don't recollect that he mentioned any thing further.

Question. By same. Were the veins or stripes in which the gold was deposited so distinctly marked as to be plainly seen by those standing on the surface, at the margin of the pits?

Answer. The vein or the part of the vein that contained the gold was generally of a deeper brown than the other parts of the vein, and I think, might very readily be distinguished from it by a person standing on the margin of the pit.

Question. By Dr. Wellford. How deep do you suppose you would have found it necessary to dig in that part of the vein that was exposed at the time of Smith's purchase to obtain a sufficient quantity of ore to yield the sum of $9,000?

Answer. Gentlemen, I don't know a better answer to give you than to tell you I don't know. It is impossible for me to say how deep.

Question. By same. What do you suppose was its average value per bushel?

Answer. From the experiments that we made at the mine the average value would be about twenty-five cents to the bushel, or a little upwards of that, of ore from the vein.

Here the examination of Mr. Fisher was closed, and the board adjourned (11 1-4 o'clock, P. M.) until the to-morrow 3 o'clock, P. M.

SATURDAY, *December 13th*, 1834.

The board met at o'clock.

Present: All the arbitrators, all the counsel, the plaintiffs, Guy Richards and Francis Allyn.

Drury W. K. Bowles, a witness on the part of the defendant being duly sworn, deposed and said, that he is a native of Fluvanna county, where he now resides, is thirty two years of age, a planter by calling. First knew the plaintiff Guy Richards last summer or spring. First knew the defendant Smith in 1832, sometime before he purchased the Goochland mine, does not recollect how long.

Question. By Botts. Will you state what you know respecting the Goochland mine?

Answer. I purchased an interest in that mine relying solely on the judgment and integrity of Mr. George Fisher, the gentleman who was here last night. I purchased this interest under condition that Mr. Fisher was to have the sole control of the mine. A short time after which Mr. Fisher commenced working on the place. First, I think, by cutting a ditch something like, I suppose, a mile in length, for the purpose of turning a stream of water across a hill for the use of the mine. After carrying the first ditch within a short distance of the mine, it was found that ditch would not answer, it was too low to get the water across the hill. He then commenced, I think, at the first place, I am not, however, certain of that, he commenced to cut a new ditch the whole way across the hill, which occupied two months or more. I believe, something like two months, after which he commenced by cutting a pit of considerable size across the vein; or upon the vein, which pit he sunk to the depth of about twenty feet, I think, perhaps a little more. The next work I think he done. I am now going on to attempt to describe to you my knowledge of his operations on the mine. I cannot recollect exactly which pits he cut first, or the order in which he cut, he then cut on each side of this big pit that I speak of on the vein, from one which cuts he had a parcel of ore hawled, a distance of some half a mile, and washed in a common washer, and from three days' washing, or about three days, I cannot say positively, it was about that time, he rendered an account of what was made by that three days' washing, which was about sufficient, as well as I recollect, to about pay all the expenses that I had been at, to that time. Mr. Fisher also made a cut some distance S. W. of this big pit, on the opposite side of the branch, it was across the branch. In that cut, I think, he stated, he did not find the vein. There was also a shaft cut N. E. of this big pit, called "Smith's Proof Pit," which is about the extent of the operations as well as I recollect, upon the place. I live some three miles from that place, and was only there occasionally, and I believe invariably when I was there, I have seen ore washed by Mr. Fisher and others, by Fisher more particularly, which were generally very rich. Every

thing that I saw at that place, and from the exalted opinion which Mr. Fisher entertained about the value of that place, in whose judgment I relied, as well as from the representations of others who visited the mine, some of whom professed to be good judges, I considered that mine to be very valuable. I recollect on one occasion, particularly, a gentleman by the name of Walton, (witness was here interrupted by counsel for plaintiff, who stated what he was now stating was not legal evidence, as not being the result of his own knowledge, but hearsay. Counsel for defendant insisted, that it was strictly legal, as showing the grounds on which witness formed his judgment of the mine, and not such hearsay evidence as could be legally excluded. Witness further stated, that he was not guided by his own judgment in mining, but by the opinions of Fisher, Walton, and ———. Here the counsel for plaintiff objected, that the witness should state any thing that Walton said. The counsel for defendant insisted, that it was strictly legal, &c. but to save time and discussion, was willing that witness should state nothing that Walton said.) Witness proceeded: sometime in the latter part of the fall or the early part of the winter 1832, the fall after I became acquainted with Captain Smith, I sold to Captain Smith my interest in the mine. I considered the mine at that time as promising as I had ever done before.

Question. By Marye. At or about your close of the negotiation of the sale to Captain Smith, did others visit the mine with a view to purchasing it, and were any offers made for it?

Answer. A short time after the trade was closed with Captain Smith, a gentleman by the name of Shepherd, from Louisa or Orange, Louisa I believe, came to the mine, who went with me home and spent the night. He told me, he came for the purpose of buying the mine, and said, I think, that he would have given about $15,000 for it, if he could have done no better, or if he could have purchased it for no less. A Mr. Mills, from Goochland, and a Mr. Anderson, from Richmond, also came to my house the next day, who came for the purpose, as I understood from Mr. Mills, of buying the mine. I have no recollection that they said what they would have given, the trade was closed, and we were then arranging the papers.

Question. By Wellford. What did you get for your share?

Answer. Two thousand dollars, that is, $2,000 was the sum agreed upon, I made some little discount for prompt payment.

Question. By same. Do you know what additional sum was given to the proprietors of the mine, for the priviledge of sinking the proof pit?

Answer. I believe $100 upon each share.

Question. By Berry. Were the rich washings, of which you have spoken, selected ore?

Answer. Some of them I suppose might have been, they were taken from different parts of the vein.

Question. By same. What was the general character of the two Mr. Hitzes for skill in mining, in the neighborhood of the mine?

Answer. They were considered skilful miners as far as I knew or heard.

Question. By same. Did you get $100 on your share for the privilege of sinking the proof pit, in addition to the 2,000 of which you have just spoken?

Answer. I did not.

Question. By same. Do you know whether Mr. Hodgson got $100 on his share for that privilege?

Answer. I think he did not.

Question. By Dr. Wellford. What did you ask for your interest, before the proof pit was sunk?

Answer. I do not distinctly recollect. My object previous to about that time was to retain my interest, I was desirous of retaining my interest under the new arrangement with Captain Smith. Captain Smith finally offered me $2,000, as he was particularly anxious to have the mine to himself, and I concluded to take it.

Question. By Berry. Were you and Mr. Hodgson authorized by the other share holders, to act as their agents in the sale of the mine?

Answer. I was not, that I recollect.

Question. By same. Did you ever give any specimens that had been taken from the Goochland mine to Captain Smith?

Answer. It is likely that I may have, but I do not recollect it.

Question. By Marye. Did you ever sell to Captain Smith, any gold gotten from the Goochland mine?

Answer. I did. I sold to Captain Smith, the greater part of which came from the Ghochland mine, but I have no recollection of the particulars, probably under $100, perhaps not more than 50 or 60 dollars. I cannot recollect.

Question. By Botts. Was the gold that you sold to Smith from the Goochland mine separate from the other?

Answer. It was.

Question. By same. Where did the sale take place?

Answer. I sold it to him in this place. I do not recollect where the bargain was made; we went into White's silver smith's shop to have it weighed.

Question. By Berry. Did you ever see any washings made of the Goochland ore at the Orange mine; and if so, when?

Answer. I have no recollection of ever being at the Orange mine but once, which was some time in the early part of the winter 1832, and have no recollection of seeing any of the ore from the Goochland mine washed.

Here the examination of Col. Bowles was closed, and the board adjourned until 3 o'clock, P. M. on Monday.

MONDAY, *Dec. 15th*, 1834.

The board met pursuant to adjournment.

Present: all the arbitrators, all the counsel, and the defendant Smith.

The counsel for the defendant submitted the following document to the board, on which they asked their judgment, (filed and marked H, 4.)

The counsel for plaintiff submitted the following answer, (filed and marked J, 4.)

The counsel for defendant submitted a reply in the following words, (filed and marked K, 4.)

Upon consideration thereof, the arbitrators decided to disallow the claim of the defendant's counsel, as stated in the above document, and are further of opinion, that all the evidence that the parties design to rely on, should be adduced before the argument of the cause.

The board then adjourned until to-morrow, at 3 o'clock, P. M.

TUESDAY, *December 16th*, 1834.

The board met pursuant to adjournment.

Present: all the arbitrators, all the counsel, and the plaintiffs Guy Richards and Fracis Allyn.

The judgment of the board on the question submitted to it yesterday, was read.

The counsel for the defendant proceeded to exhibit documentary testimony. Counsel for plaintiff inquired what were the documents which they were preparing to exhibit. It was replied, that it consisted of the letters of Nathaniel Richards and others to William K. Smith, being the counterpart of that portion of the correspondence between those parties, already submitted to the board by plaintiffs. Whereupon the counsel for plaintiffs read the following protest, (filed and marked L, 4.)

"The complainants object to the introduction of the letters of Nathaniel Richards to William K. Smith, as evidence against them, on the subject of controversy submitted to the arbitrators. The complainants do not deny that, so far as those letters may serve to explain the meaning of the letters of the said Smith, which have been submitted to the arbitrators, and so far as to show that N. Richards has made statements inconsistent with the evidence given by him in this cause, that they are admissible."

The counsel for defendants thereupon proceeded to read and submit the following letters, viz:

N. Richards, secretary to Virginia Mining Company, to W. K. Smith. 6th November, 1832, M, 4.

Same to same,	24th November, 1832,	N. 4
Same to same,	26th "	O. 4
Same to same,	6th December,	P. 4
Same to same,	8th "	Q. 4
Same to same,	22d "	R. 4
Same to same,	January 2d, 1833,	S. 4
Same to same,	19,	T. 4
Same to same,	21,	U. 4
Same to same, No. 1,	26,	V. 4
Same to same, No. 2,	26,	W. 4
Same to same,	Febru'y 6,	X. 4

420

N. Richards to W. K. Smith,	February 8, 1833,	Y. 4
Same to same,	16,	Z. 4
Same to same,	21,	A. 5
Same to same,	March 11,	B. 5
Same to same,	13,	C. 5
Same to same,	19,	D. 5
Same to same, No. 1,	22,	E. 5
Same to same, No. 2,	22,	F. 5
Same to same,	April 8,	G. 5
Same to same,	10,	H. 5

Letters Continued.

Nathaniel Richards to W. K. Smith,	May 2, 1833,	J. 5
Same to same,	8,	K. 5
Same to same,	10,	L. 5
Same to same,	11,	M. 5
Same to same,	16,	N. 5
Same to same, No. 1,	18,	O. 5
Same to same, No. 2,	18,	P. 5

The reading was here suspended, and the board adjourned until tomorrow, 3 o'clock, P. M.

WEDNESDAY, *December 17th*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators, all the counsel, the defendant, Smith.

The counsel for defendant read and laid before the board the following letters, viz:

Nathaniel Richards to W. K. Smith,	May 28, 1833,	Q. 5
Same to same,	31,	R. 5
Same to same,	June 4,	S. 5
Same to same,	6,	T. 5
Same to same, No. 1,	8,	U. 5
Same to same, No. 2,	8,	V. 5
Same to same,	12,	W. 5
Same to same,	24,	X. 5

Here the counsel for the defendant announced that they had closed their testimony, unless the adduction of farther testimony on the point of the plaintiffs should render it necessary for them also to adduce more.

The counsel for plaintiffs stated that they wished to examine other witnesses, and that several days would be necessary to bring them before the board, and proposed an adjournment, until Friday; whereupon

The board adjourned, until Friday next, the 19th instant, at 3 o'lock, P. M.

FRIDAY, *December 19th*, 1834.

The board met, pursuant to adjournment.

Present: all the arbitrators, the defendant, Smith, and his counsel, Mr. Berry, for plaintiffs.

The counsel of plaintiffs stated that the witnesses expected, had not arrived, and there being no business before the board, they adjourned until to-morrow, at 3 o'clock, P. M.

SATURDAY, *December 20th*, 1834.

The board met at 12 o'clock, (noon,) having been called together at an earlier hour than that to which they stood adjourned, in consequence of the arrival of witnesses.

Present: All the arbitrators, plaintiffs, Guy Richards, and F. Allyn, and their counsel; the defendant Smith, and his counsel.

John M. Willis, a witness for the plaintiffs, heretofore examined on the 10th of July, (see minutes fol. 84 Seq.) was again brought forward, and being duly sworn, deposed and said, as follows:

Question. By Barton. Did you ever hear either of the Messrs. Hitz, speak of any method of finding gold, other than the usual and customary manner of making searches for that metal, if so, which of them, and what have you heard him say on the subject?

Answer. Sometime in May or June, 1833, I had a conversation with John Hitz, jr. in regard to the place belonging to Dr. Scott, deceased, where I then lived, as to its being a pleasant situation in the summer season. Mr. Hitz said, he had talked some of renting the plantation before I did; that the reason why he did not rent it, Mrs. Hitz could not live on the place. I asked him why she could not? he said that the vein passed through that plantation which affected her, or near the house. He said it made her sick to be any where near a vein of minerals. I said to him I could not believe the thing possible. He said he knew many people in this country scrupulous about it. He said he had told Captain Smith, and the Captain said he did not believe it too. That he believed it himself. That is about the amount of the conversation as well as I can recollect.

Here the examination of J. M. Williis was concluded.

The counsel for plaintiffs announced, that he now proposed to offer to the board, two letters of defendant Smith, to the secretary of the Virginia Mining Company, in which he gives his opinion of Mr. Hitz, dated the 2d of Aug. 1833, and 8th Aug. 1833. They were accordingly read and filed, marked Y, 5, and Z, 5.

William Beazley, a witness for the plaintiff, heretofore examined on August 1, 1833, (see minutes, fol. 98 Seq.) was again brought forward, and being duly sworn, deposed and said:

Question. By Barton. Did you ever hear either of the Messrs. Hitz speak of any method of finding gold, other than the usual and

421.

customary manner of making searches for that metal? if so, which of them, and what have you heard him say on the subject.

Answer. I have heard Mr. Hitz the elder, say, that in his native country there was a gentleman who could tell where veins of gold were, by taking up a small rod in his hand, a rod of some kind, I do not recollect what. I remarked to him that I did not believe that such an art existed. He then stated that the gentleman certainly could tell by this method; that he could do it in this country if he were here. That is about the substance of the conversation that passed between us.

Question. By Barton. What is the general character of J. G. Davis as a man of truth and integrity.

Answer. His character stands very fair, as far as I have ascertained. (Counsel for plaintiff. Is that all you have to say? Witness, after deliberation, proceeded,) I have been acquainted with him since May last, and have found him to be a very correct man, in his transactions with me. I have heard several of the neighbors say that the family of Mr. Davis was very respectable.

Anthony Kale, a witness for the plaintiffs, was produced, and being duly sworn, deposed and said, that he is going on forty-seven years of age, a native of Switzerland, has been in this country since 1810, and now resides in Fredericksburg; was brought up a carriage maker, something like Ferneyhough, and served three years at it; never has known plaintiff Guy Richards; has heard talking about him, but does not know him. Does not know defendant Smith; has seen him passing, but is not acquainted with him.

Question. By Barton. Did you ever hear either of the Messrs. Hitz state that they could find gold veins by any other means than digging for them?

Answer. No, sir, I never did. Old Mr. Hitz told me, that his daughter-in-law could discover where a vein of metal was, whenever she got over it, or stood over it, or walked over it, but whether it was gold, silver, brass, or what, she could not tell.

Question. By same. Did old Mr. Hitz state that his son's wife could at all times discover where metal was by standing on the ground.

Answer. No sir; he never did; you know very well what I told you he said, you ought not to ask me that question; he said you had better ask Mr. Hitz himself.

Question. By same. If not, what did he say?

Answer. The question being repeated to him. Witness said, you know very well what I told you, &c. It has nothing to do with this question, &c. &c.

Question. By same. Did you hear young Mr. Hitz say that his wife could tell where gold could be found, and that she would sometimes, in her dreams, state important matters, and that he would get up and take a note of it, and never found her mistaken, and had made valuable discoveries by it?

Answer. Yes, sir, that is true what I heard; I do not know as she could, but that is what I heard.

The examination of Heer Kale was here closed, and there being no further business before the board, on motion of plaintiff's counsel, adjourned until 3 o'clock, on Tuesday next, 23d instant.

TUESDAY, *December* 23*d*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators; all the counsel, and the defendant Smith.

The counsel for plaintiff proceeded to read, and lay before the board, the following letters:

Wm. K. Smith to N. Richards, dated 12th July, 1833, marked A, 6.
Same to same " 18 " B, 6.

Here the counsel for defendant inquired, what was the object of introducing those letters, and objected that the correspondence, of which they are part, had taken place after the transactions which gave rise to the controversy at issue, and related to matters altogether unconnected with it; and was therefore irrevalent, and improper to be introduced in this cause. The counsel for plaintiffs replied, that these letters were exhibited to explain certain letters of Mr. N. Richards to defendant, which were submitted by him, (the defendant,) to the board; and were also relavent, as showing the opinions of the defendant in relation to the value of certain gold mines, and thus forming a criterion by which to estimate the value of the Goochland mine, as declared in his letter of the 21st Jan. 1833; after argument, pro. and con. the question on the admissibility of the correspondence was submitted to the arbitrators.

The arbitrators stated, that they had heretofore, by solemn decision, endeavored to restrict counsel, in exhibiting their evidence to the points put in issue by the bill, and answer, and the arbitrator's bond; that having laid down the rule, they expected counsel to comply with it, but it was impracticable for them to enforce it; that when counsel chose to read a document, it was impossible for the arbitrators to judge of its relevancy until it was heard, and, being heard, it seemed proper that it should remain with them for their deliberate examination. In this way much matter had been placed before them, which they deemed impertinent, but being intermixed with other matter, which counsel deemed important to their clients, the arbitrators could not separate them. Thus situated, they seem to be under the necessity of receiving such documents as counsel may chose to exhibit. It will remain for them, in making up their judgment, to sift the evidence as well as they can from the impertinent matter, and give consideration to such matters only as they may deem relevant to the points submitted to their arbitrament.

The counsel for plaintiffs then read another letter from W. K. Smith to N. Richards, bearing date Aug. 28th, 1833, filed and marked C, 6.

Counsel of plaintiffs also read the affidavit of Gustavus Upson Richards, taken in the city of New York on the 9th of July, 1834, on behalf of the plaintiffs, and as counsel admitted without notice to defendant, but read by consent of defendant's counsel, filed and marked D, 6.

Also the affidavit of Frederick H. Wolcott, taken in the city of New York, on the 9th day of July, 1834, on behalf of the plaintiffs, and without notice to defendant, but read by consent, filed and marked E, 6.

The counsel for plaintiff here called upon the counsel for defendant, to file certain letters addressed by Nathaniel Richards to W. K Smith, which bear date Sept. 6, 1833, September 12th, 1833, and September 23d, 1833. The counsel for defendant replied, that they did not recognise the right of the opposite counsel to make such call, nor admit any obligation on their part to answer any inquiry, or to indicate their course, as to the evidence they may introduce.

Mr. Barton, counsel for plaintiff, moved that the board should adjourn until Tuesday, the 6th of January, 1835. This not meeting the concurrence of the opposite counsel, nor of part of the board, to give time for consideration, the board adjourned until to-morrow at 3 o'clock, P. M.

WEDNESDAY, *December 24th*, 1834.

The board met pursuant to adjournment.

Present: All the arbitrators, and all the counsel.

The counsel, on both sides, announced that they had closed thei evidence, and that they wished time to prepare for argument.

On motion of counsel for plaintiff, with the concurrence of the opposite counsel, the board adjourned until Tuesday, January 6th, 1835.

TUESDAY, *January 6th*, 1835.

The board met pursuant to adjournment.

Present: All the arbitrators, all the counsel, and the defendan Smith.

By arrangement between counsel and arbitrators, it was decided that the discussion of the cause should be with open doors, for those who wished to hear it, for the purpose of understanding the merits of the cause. And in order to give notice to those who may wish to attend, and in order that the apartment may be prepared for their accommodation, at the suggestion of counsel, the board adjourned until 4 o'clock, to-morrow.

E.

Articles of agreement between David Trego and N. Richards, for Goochland mine.

Document referred to in D. Trego's evidence. July 24th, 1834, folio 58.

Articles of agreement entered into this fifteenth day of April, 1833, by and between David Trego, on the one part, and Nathaniel Richards of New York, on the other part, witnesseth:

That the said David Trego, for the consideration hereinafter mentioned, hath agreed, and does hereby agree, to devote his time and give his best services to the superintending and carrying into full effect, the developement of the Goochland gold mine, (so called) in the county of Goochland, now belonging to said N. Richards, and that he will do all and every thing to the best of his abilities, to promote the interest of the said N. Richards, in the developement and carrying into full effect, this or any other establishment for mining &c. which the said Richards may require, and managing every department intrusted to his care, with as much economy as possible.

And the said N. Richard does hereby agree to pay, or cause to be paid unto the said David Trego, for his services, the sum of five hundred dollars per annum, to be paid to him quarterly, or oftener if required, but the said Trego is to find himself in board, &c. and live on or near as possible to the premises.

In witness whereof, the parties to this instrument have hereunto set their hands and seals, the day and year above mentioned.

W. K. SMITH for self. [SEAL.]
& NATHANIEL RICHARDS.
DAVID TREGO. [SEAL.]

Witnessed.

B. H. SMITH.

G.

Letter from W. K. Smith to D. Trego, October 3, 1833, submitted to the board 25th July, 1834.

ORANGE MINE, *October* 3, 1833.

MR. DAVID TREGO, *Goochland Mine.*

DEAR SIR: Your two favors of the 20th and 28th, have come to hand. The one dated 28th came first, but not before Mr. Richards left here for New York. Mr. Milton has been here and settled with Mr. Richards for the work before he left; the cabin was to be finished well: Mr. Milton allowed, I think, forty-nine dollars for not finishing the sealing &c. I presume Mr. Richards wrote you by Mr. Milton's young man, to close the establishment without delay; he

has got the hipo sure enough. We have reduced the establishment here to quite a small one: You will please settle with all the hands, and your own account. I presume Mr. Richards has given you orders to draw on Richmond for the amount; I have no funds here. I cannot advise you what to do, neither can I come up to Goochland. No doubt Mr. Richards has given you every instruction. I am truly sorry that you have not struck any thing of value there; should you leave, you had better get Mr. Davis to look after the affairs, and let him seed some of the land, or as Mr. Richards has advised you.

Love to all.

We are all (except myself) in good health. Captain Letcher has been, and is still quite sick.

Yours truly,

W. K. SMITH.

H.

D. Trego's certificate to W. K. Smith, submitted to the board July 25. See D. Trego's affidavit.

This is to certify that I took the agency at the Goochland mine, in Goochland county Virginia, about the 15th April, 1833, and commenced operations in accordance with Captain W. K. Smith's directions.

The first shaft sunk by me struck a formation at about thirty feet, somewhat resembling the gold formation, as it appeared in the old workings done by Moss, Fisher & Co. but so poor that I was at first unwilling to believe that it was the same, being in expectation of finding it very rich, as it had been so represented. This formation was struck about the 25th June; it was passed through, and found immediately under it, a solid gneiss rock, which came in a more horizontal position and cut off the vein. At Captain Smith's suggestion, I then abandoned this, and commenced a new shaft, but subsequently returned to the first, and tunnelled each way on the vein, hoping to find it richer. At about twenty feet S. W. of the shaft, drove a cross cut from the tunnel in a N. W. direction, to ascertain whether we were on the vein, or whether it lay in that direction; found the formation about ten or twelve feet in thickness, and discovered nothing else in that direction that resembled the vein; nor did we find it any richer in the cross cut, or in the N. E. tunnel than in the shaft.—About the 15th August, Captain Smith visited Goochland, at my own and Mr. Richards request, to give me his counsel relative to future operations. He went down into the shaft and tunnels, and finding nothing very flattering or satisfactory, he proposed opening a pit near the old working in the branch, which we did, and found the vein which contained some gold, but not so rich as he expected, though some of the panfuls produced what would be called a pretty fair yield provided the ore were abundant. He then said that he knew where he could find it" and went to the old proof pit sunk by him at the time of the purchase, out of which the rich specimens were

taken and sent to New York. We sunk a shaft by the side of that, and at the depth of about six feet, took out a small panful which I washed and found exceedigly rich. We were somewhat encouraged by this circumstance, and continued taking out panfuls of the ore occasionally, as the men progressed in digging, but found no more that were very rich, and finally, at about ten or twelve feet could find no gold at all.

Captain Smith returned to Orange, after suggesting the propriety of sinking several new shafts on the vein at different points, which was accordingly afterwards done without finding any thing of an encouraging character. I found the gneiss in every shaft at nearly about a level with the same in the first shaft.

Captain Smith, always previous to his visit to Goochland in August, expressed the utmost confidence in that mine, and appeared to make great calculations upon the result of the experiment there.

About the 15th or 18th of July, Messrs. Moffatt and Willmarth visited the Goochland mine. I opened an old pit to show them the vein; found some ore that by selecting, washed pretty well. They appeared somewhat pleased with the result of said washings, but did not express any particular satisfaction at the general prospect. I received instructions about the fifth or sixth of October, from Mr. Richards, under date of 30th September, to close the concern at Goochland without delay, which was accordingly done.

In regard to the reputed value of the Goochland mine, at the time that I went there as the agent of Mr. Richards, I may say there were various opinions as to amount. Some named 30 or $40,000 ; others $60,000 or $70,000 ; and others again 2 or $300,000 ; but all that I heard speak of it, considered it immensely valuable.

D. L. TREGO

I.

Letter from W. K. Smith to D. Trego, January 4, 1834; laid before the board on the morning of the 26th July, 1834.

BALTIMORE, *January* 4, 1834.

MR. DAVID TREGO, *Kingsville, Maryland.*

DEAR SIR : I wrote to you from Fredericksburg, several days since, but presume you have not received it in time to meet me here, as therein requested. My object in writing that and at this time, is to obtain from you my letters, or those of them relating to Goochland particularly. The contending parties in regard to this business, have agreed to stop all law suits, and leave the whole affair to a reference of a particular kind. My wish is to obtain from you your certificate in relation to facts, acknowledged before a magistrate. All my friends in Virginia, have given me one, such as Col. Bowles, Hodgson, Wiatt, Hitz, Read, Walton, and many others.

In your certifieate, I want you to state nothing more than that you

were agent to said mine; the time you commenced the shafts; when you reached the greatest depth; the time you first had a view of the formation or vein in the new workings; when you received orders to stop operations, and from whom; and whether you consider the obstructions such as to warrant the total abandonment of the property as worthless. Also mention the fact of the washings found when I was last there; and likewise those made while Moffatt and Wilmarth were there first, and if Moffatt and Willmarth were or were not pleased, or did not express themselves pleased with the mine at that time. In your letter to me shortly after, you mentioned that they were pleased. Please mention what was the general opinion of the mine as to its value when you first went there.

A certificate of this kind, stating only facts, and not what now appears, but what then appeared to be the impression, will be beneficial to all parties interested in this business, and can do you no harm. I have obtained Mr. Featherstonhaugh's opinion, (which concurs with mine) that the slates are never formed over the gneiss rock, but are sometimes cut off by this rock, and are found again below; and that such an obstruction ought not to discourage the miner so far as to cause him to abandon a mine at the slight depth of thirty or forty feet. You will confer a favor by writing to me at New York, without delay, and by sending, by first opportunity, the most important of my letters. Please direct to the care of Messrs. Parker, Howard & Co. 96 Front street, N. Y. I will write you in time to meet me here on my return, (when I trust this unplessant business will be settled) and I will compensate you for any trouble or expense you may be at relative to this business.

Yours truly,

W. K. SMITH.

P. S. Do not omit to have the certificate acknowledged before a magistrate, as the referees are to take them if acknowledged as evidence.

K.

Letter from D. S. Trego to W. K. Smith, referred to in the affidavit of D. Trego, laid before the board 26th July, 1834.

CAPTAIN W. K. SMITH.
Care of Joseph Howard, Esq. 97 Front-street, New York.

ORANGE MINE, *Nov* 3. 1832.

DEAR SIR: I have just learned that some difference of opinion exists between yourself and certain gentlemen, relative to your transactions in the sale of the Goochland mine, in which your sincerity and veracity are called in question. I may say, without hesitation, that, previous, as well as some time* subsequent, to the transfer of

* By some time, I mean up to the 15th August, 1833.

your interest in that concern, you had always, in our private conversations, as well as in your letters to me, expressed the utmost confidence in that mine, and appeared to consider it as decidedly the most promising place at that time known.

Very respectfully, yours,
D. S. TREGO.

L.

Letter of instructions from Wm. K. Smith to D. Trego, April 15, 1833. Referred to in the affidavit of D. Trego, folio 92, laid before the board, July 26, 1834.

ORANGE, *April* 15, 1833.

Mr. DAVID TREGO, *Agent for Goochland mine.*

DEAR SIR: With this I hand you a copy of the leases of the Goochland mine, together with regulations to be observed there, a map of the mine, &c. &c.

You will proceed, without delay, to Goochland, and take charge of the Goochland mine, in the name of Nathaniel Richards, of New York, for whom you are acting as agent. And you are hereby fully authorized to make contracts for such buildings as may be necessary to carry on the mining operations on a prudent scale; to hire such hands as at present may be required. Allow me, my dear sir, to suggest the necessity of commencing and carrying on this new establishment with the utmost prudence and economy in every department. You should keep a minute account of all expenditures, as well as of all transactions relative to the mine. You doubtless feel the importance of commencing this new establishment now committed to your charge in such a way as to prove an honor to yourself, and beneficial to those around you, and I sincerely hope it will prove profitable to your employer. From experience, I have found that a cool and determined line of conduct should be pursued to all under my charge, officers and workmen, and would recommend that course to you, and also that you enforce the strictest morality and temperance among your men, for only while men are virtuous are they happy. I would also recommend the observance of the Sabbath, and that, when practicable, they should attend church. You will please keep me advised of your operations, say as often as once in two weeks.

Hoping that a kind Providence may crown your undertaking with success, and hold you as in the hollow of his hand.

I remain yours, truly,
W. K. SMITH.

P.

Diagram?

	Feet
From No. 0, to No. 1, - - - -	16
1, " 2, - - - -	46
2, " 3, - - - -	16
Southwest of No. 3, to Northeast end of No. 4, -	24
Northeast end of No. 4, to No. 5, - -	16
No. 5, to No. 7, - - - -	40
7, " 9, - - - -	30
	188

No. 0, represents Trego's shaft on the southwest side of the branch.

No. 1, represents the cross trench southwest side of the branch, fourteen feet long, three or four wide, and four or six deep.

No. 2, represents a trench on southwest side of the branch, uncovered the 8th May, three or four feet square, three and a half deep in the formation.

No. 3, represents the big pit, twenty feet long at top, fifteen and a half at bottom, $7\frac{1}{2}$ feet wide at top, $5\frac{1}{2}$ at bottom, fourteen feet deep in the formation.

No. 4, represents the trench northeast of the big pit, twenty feet long, width of the average four feet, at southwest end three to four feet deep, at northeast end seven and a half feet.

No. 5, represents shaft sunk by Trego.

No. 6, represents a pit sunk by Trego, whilst Captain Smith was at the Goochland mine last summer.

No. 7, represents the pit known as Smith's proof pit.

No. 8, represents the pit sunk by Richards, in May, three feet northeast of the proof pit.

No. 9, represents the pit or shaft sunk by Trego, northeast of whim house.

A, represents Trego's A shaft.

Q.

Memorandum of the second examination of the Goochland mine, July 8th to 13th, 1834. Laid before the board, July 30. Referred to by Davis and Willis.

1834, July 8th to 13th. Commenced the examination. Cleared the big pit said to be sunk by Morse, Fisher, & Co.

14 feet deep, from top of formation.
$7\frac{1}{2}$ feet wide at top.
20 feet long at top, across formation.
5 feet 2 inches wide at bottom, average.
15 feet 6 inches long at bottom.

One panful, taken from the top of the vein, twelve inches across the formation, including the vein, contains three or four particles of gold. Washed by J. M. Willis.

One panful selected by Davy Morse, near same place, considered rich, marked, paper No. 2. Washed by D. Morse. Vein from one-half to three-quarters inch wide, one-quarter and one-eighth of an inch containing the greater part of the gold.

One panful, selected by John G. Davis, taken from near same place, vein same width, supposed to be worth from twenty to forty cents per bushel. Was washed by J. G. Davis.

No. 4. Taken from S. E. end of pit, substance a decomposed mica slate, from one to three very fine particles of gold. Washed by J. M. Willis.

No. 5. Taken from near same place, a white substance, approaching decomposed quartz, a few particles of gold. Washed by J. M. Willis.

No. 6. Taken from bottom of pit, about twelve inches across the formation, including the vein. One or two particles of gold. By J. M. Willis.

No. 7. Taken from two or three threads on each side of the pit. About six to seven feet deep in formation. In paper No. 7. By J. M. Willis.

No. 8. Taken from near top of formation on each side of pit. One or two particles of gold. By J. G. Davis.

No. 9. Taken from six to seven feet deep in formation, and is an average of the formation, including three stripes of veins. Two or three particles very fine. By J. M. Willis.

No. 10. Taken from near the N. W. end of pit. Average of two feet. In paper No. 10. By J. G. Davis.

Examination of trench N. E. of big pit.

No. 11. One panful from N. E. end of trench. Two feet deep in formation. Substance, pipe clay, or an unctuous clay, called, at Goochland mine, marrowfat. A few fine specks of gold. Washed by J. M. Willis.

No. 12. Taken from near same place. In red streak, said to be the vein. Poor. By J. G. Davis.

No. 13. Taken a little below No. 12. In same vein, in paper No. 13. By J. M. Willis.

No. 14. Taken from near same place, across the formation. No gold. By J. M. Willis.

No. 15. Taken from a little to the right of No. 12 and 13. In light-colored substance, said by Davy Moss to contain gold. In paper No. 15. J. M. W.

No. 16. Taken five or six feet deep in the formation, and about two feet across the formation, including the vein. One or two fine particles of gold. By J. M. Willis.

No. 17. Taken from the bottom of trench at N. E. end in the vein. Two feet in length, seven feet deep. A few fine particles of gold. By W. Beazley.

No. 18. One panful from bottom of trench from the S. W. Only five deep, two feet across the formation, including the vein. Very poor. By J. M. Willis.

No. 19. Taken from the middle of the pit, in the vein. A few fine particles of gold. By W. Beazley.

No. 20. Taken from near top of formation. In substance, pipe-clay, (or Goochland term, marrowfat.) Said by John and Davy Moss to be good. Yielded some gold. Supposed from twenty to forty cents per bushel. By J. M. Willis.

No. 21. Two pansful from near the middle of the trench. Yielded but very little gold. By W. Beazley.

No. 22. One panful a little south of middle of the trench. In paper No. 22. By J. M. Willis.

No. 23. One panful selected by George Fisher, jr. from a spot said to be rich. Contained a few particles of gold discoverable with a glass. By W. Beazley.

No. 24. One panful selected by George Fisher on east side of trench. Poor. Said by Fisher to be worth about twelve and a half cents per pushel. By George Fisher.

No. 25. One panful selected by G. Fisher, jr. Pretty fair wash, In paper No. 25. By J. M. Willis.

No. 26. One panful from the junction of the big pit and the trench. Good. In paper No. 26. By J. M. W.

No. 27. One panful from same place. Rich. In paper No. 27. Washed by J. G. Davis and J. Moss.

No. 28. One panful from same place. In paper 28. Washed by George Fisher.

No. 26, 27, and 28, were taken from a thread of vein about three quarters of an inch wide; one-eighth of an inch containing the greater portion of the gold, as will appear from specimens selected out of said pansful, or when said pansful were selected.

	Feet	Inches
TRENCH—Length - - - - - -	20	0
Width (average) - - - - -	4	0
Depth at south end in formation, -	3 to 4	0
" " northeast end in formation,	7	6

W. BEAZLEY,
J. M. WILLIS,
J. G. DAVIS.

R.

NOTES,

Laid before the board, July 30, 1834. Used in the examination of J. G. Davis.

THURSDAY, 8*th May*, 1834.—Uncovered the trench south west side of the branch, marked No. 2 in diagram; and in striking through the crust of the old formation, discovered the thread of a vein in the slate formation, of three-quaters to one inch in thickness, from which four washings were made; two by John Moss, and two by Davis, which gave a pretty fair yield. They are in paper No. 2, in possession of Mr. Beazley. The pan was full each time, and would hold about two quarts. When the trench was opened, found it to have been sunk about three and a half feet in depth, in the slate formation; three to four feet in width. Opened three to four feet on the course of the vein; found difficulty in pursuing it farther, on account of the water that pressed an adjoining pit sunk by Trego and Smith last August. This trench could not have been more than seven or eight feet in length, without entering the pit sunk by Trego and Smith [illegible] abo[illegible], at which period there was no appearance of a tre[illegible]

When the bottom of the trench was laid bare, four washings were made, one of them from the three-quarters to an inch vein before mentioned, pursuing it down to the end of the trench, which gave a pretty fair yield. Another taken from the same in the bottom of the trench, for a distance of eighteen to twenty inches inches in length, and three to four inches in depth, also a prety fair washing. These washings are in paper No. 1, in the hands of Mr. Beazley. Two other pansful were washed from other parts of the vein or formation selected by John Moss as the best, and only a particle or two of gold was visible in each. These were not saved. These four washings were made by John Moss. About one bushel of ore was now taken to obtain an average, from the transverse section of the trench about four feet; more of it however being taken from the part where the thread ran, from which the best washings were made. The whole was well mixed. I was not present when it was mixed, nor when Beazley and Trego washed of it. I washed one panful of it when I arrived, and saw no gold.

Friday, 9*th*.—Opened the trench on southwest side of the branch at the foot of the hill, maked No. 1 in the diagram. Found it to be in length, transverse the vein, fourteen or fifteen feet; three or four feet wide on the vein and from four to five feet deep. Five pansful were washed, taken from different parts of the trench, and only one very minute particle of gold was seen by me: two of the washings were made by Beazley, and the others by J. Moss. Mr. Trego was not present when these washings were made.

Saturday, 10*th*.—Having sunk the pit No. 8 in diagram to the depth of twelve or thirteen feet; during the time of which, many washings were made, and only now and then a particle of gold was found; a tunnel was driven in to strike the floor of Captain Smith's pit, and lay bare the vein, from which it is said some rich ore was taken, and sent to New York. The object was accomplished; the vein laid bare, and exhibited the excavation that had been made, to the depth of from four to six inches, and in length from twelve to fifteen inches. The vein consists of two threads of three-quarters to an inch wide, a few inches apart. The ore was dug out from both threads, the whole breadth of the pit, about three feet, and from three to six inches in depth. Five pansful were washed, yielding very little gold. They are in paper No. 3, in the possession of B.

V.

Original notes of W. Beazley. Laid before the Board Aug. 1, 1834.

May 5*th*, 1834.—Commenced the examination of the Goochland mine. Cleared the trench on S. W. side of Branch: two pansful washed by J. G. Davis, and two by J. Moss. In paper No. 2. The above pansful was taken from a thread of a vein from three-quarters to an inch thick: the trench was from three to four feet across the formation, and three to four feet on the vein; three and a half deep in formation. One panful taken from the southwest end of trench,

out of the vein as above, gave a pretty fair yield. One ditto taken from the bottom of the trench, eighteen to twenty inches; also pretty fair yield. In paper. No. 1. Two other pansful were washed from other parts of the trench, selected by J. Moss as the best, and only a particle or two of gold was visible in each. An average of the trench was taken across the bottom, and three pansful washed; one by Davis, one by Trego, and one by myself. One of said pansful yielded some very fine particles: another gave one particle; the other, nothing. Trench on southwest side of branch: found it to be fourteen or fifteen feet long across formation, three to four feet wide, four to five deep. Five pansful were taken from sundry selected places in the trench, and only one minute particle was found. Two washed by myself, and the others by J. Moss. Trego was absent. Sunk pit in whim house, near what was called the proof pit, to the depth of twelve to thirteen feet; and many washings made, and but very little gold discovered. A tunnel was driven from said pit to strike the floor of said poof pit. Length of tunnel to proof pit, three feet; across proof pit three feet. Discovered an excavation in east corner of proof pit, from four to six inches deep, and from twelve to thirteen inches long. The vein consists of two threads, three-quarters to an inch wide, and a little distance apart. The ore was dug out from both threads; the whole width of proof pit at bottom, and from three to six inches deep. Five pansful were washed, yielding very little gold. They are in paper No. 3.

W. BEAZLEY.

W.

Document submitted by Barton and Berry, Aug. 6, 1834.

On the part of the complainants, it is proposed to introduce evidence, to prove that the dfendant, Smith; while acting as agent of the Virginia Mining Company, (of which all the complainants, save one, were stockholders, and two of them directors during the time, and before and after the time that negotiations were carried on for the sale, by the defendant Smith, of a part of the Goochland mine to the complainants,) the defendant, Smith, so conducted the operations of the Orange mine, belonging to the said Virginia Mining Company, and made such false misrepresentations, as designedly to deceive and delude the complainants in relation to the value of the said Orange mine, and the profits to be expected from working it; and to make an impression that it was more valuable than it really was, and thereby to enhance their estimate of the value of the Goochland min and mining interests generally: and that the defendant Smith, b means of his direction of the operations of the said Orange mine, purposely delayed such operations and experiments as would test the tre value of the said Orange mine, until after the contract for the sd sale, by the defendant Smith, of part of the said Goochland mi, had bee- made, with a view of keeping up a false and delusive i-

pression of the value of mining interests generally and which was dissipated soon after such experiments were made.

T. B. BARTON,
Attorney for plaintiffs.

August 6th, 1834.

X.

Document submitted by Botts and Marye, August 6th, 1834.

The defendant Smith, through his counsel, objects to the introduction of evidence touching his agency of the Orange mine, for the following reasons:—

1st. That no intimation is furnished by the pleadings in the suit referred to, (the decision of the arbitrators,) of a purpose on the part of the complainants to go into an inquiry of the character contemplated by the evidence proposed to be introduced; nor is such intimation furnished in the articles of submission: so that the introduction of such evidence would operate a surprise.

2nd. Because it will be impracticable to prosecute an inquiry into the defendant's agency at the Orange mine, with a reasonable prospect of arriving at just results, if at all, without incurring very heavy expense, and encountering very great delay.

3d. That to illustrate the true character of the defendant's agency at the Oronge mine, it is essential that evidence in the possession of the Virginia Mining Company should be exhibited, which the defendant Smith has no means of coercing; and moreover, that his correspondence with the different members of said Company, pending his agency, should constitute a part of the evidence submitted to the arbitrators, which may not be done without the consent of the complainants.

August 6th, 1834. BOTTS & MARYE.

Y.

Motion to reconsider. Submitted to the Board on the morning of August 7th, 1834, by Barton & Berry.

The minutes of the arbitrators not stating the oral proposition made by the plaintiff's counsel on yesterday, precisely as they wished and intended it to be understood, beg leave to renew it, and state as follows, the character of the evidence which they offer to introduce.

On the part of the complainants, it is proposed to introduce evidence to prove that the defendant Smith, while acting as the agent of the Virginia Mining Company, (of which all the complainants, save one, were stockholders, and two of them directors during the time, and before and after the time,) that negotiations were carried on for the sale, by the defendant Smith, of a part of the Goochland mine to the complainants. The defendant Smith so conducted the operations of the Orange mine, belonging to the said Virginia Mining Company,

and made such false representations, as designedly to deceive and delude the complainants in relation to the value of the said Orange mine, and the profits to be expected from working it; and to make an impression that it was more valuable than it really was, and thereby to enhance their estimate of the value of said Goochland mine and mining interests generally; and that the defendant Smith, by means of his direction of the operations of said Orange mine, purposely delayed such operations and experiments as would test the true value of the said Orange mine until after the contract for the said sale, by the defendant Smith, of part of the said Goochland mine, had been made —with a view of keeping up a false and delusive impression of the value of mining interests generally, and which was dissipated soon after such experiments were made.

LAW. W. BERRY,
August 6th, 1834. T. B. BARTON.

Z.

Submitted to the Board, August 7th, 1834.

If the arbitrators recommend the enlargement of the inquiry to the extent proposed, then the defendant will waive all objections to such enlargement, on the following conditions, viz.

That the complainants produce all the books, documents, and papers of the Virginia Mining Company, from the organization of the company to the present time, in which the proceedings of the company are entered or referred to, including the transfer of stock from time to time—the by-laws, rules, regulations, the several reports made to the company or any member thereof, as well by others as the agents of said company, and used or read before the board of directors—the resolutions passed by the company—the several assays of ore made by the company, or by their direction, or at their request, or by any member of said company, and reported to the board—the correspondence with the company, either by the members of the company, the different agents or others in the employment of the company, or by persons who had visited the mine—the correspondence between the members of the company, or between other persons and any member of the said company, touching the Virginia mine, and read before the board. Captain Smith to use as evidence letters from the Virginia Mining Company, or any individual now or at the time of writing such letters a member thereof. The arbitrators to proceed with all practicable despatch to make up their award.

A. A.

Filed by Barton and Berry, August 8, 1834, in lieu of the document A. A. laid before the board on the 7th which is withdrawn.

The plaintiffs reply to the propositions of the defendant that they accede to them so far as is in their power to do so, and in most un-

429.

limited manner. The books, papers, &c. referred to in the propositions belonging to the Virginia Mining Company, is in possession of the president and directors of the said company, and the plaintiffs have no power to compel their production here, but the plaintiffs will make application to the president and directors for leave to exhibit them, and if granted will produce them. Should the president and directors refuse to do so, then the plaintiffs will apply to the president and directors for an order to permit the defendant in person by his counsel, or by any respectable man to be named by the defendant, to examine thoroughly all the documents referred to, and that the defendant, may at his own expense have copies of any or all of them as he may desire, and they being certified by the secretary of the company, to be true copies or otherwise authenticated to be so, that the same may be read as evidence on behalf of the defendant, provided that should the defendant resort to such evidence, the plaintiffs may in like manner be permitted to use copies certified in the same manner.

In reply to the suggestions of the defendant as to death and absence of witnesses, the plaintiffs feel the utmost confidence that they sustain equal loss with the defendant, and that if the evidence in relation to the Orange mine shall be gone into, that they shall introduce no evidence which the absence of the witnesses referred to would in any wise affect, and are persuaded and believe that the evidence in relation to the subject may be introduced upon fair and reciprocal terms.

B. B.

Submitted by Marye and Botts, 4 o'clock, P. M. August 7, 1834.

If the arbitrators recommend the enlargement of the inquiry to the extent proposed by the complainants counsel, viz. touching the agency of the defendant at the Orange mine, then the defendant by his counsel will waive all objections to such enlargement upon the following terms and conditions, viz:

That the complainants will produce all the books, documents and papers of the Virginia Mining Company, from the organization of the company to the present time, in which the proceedings of the said company are entered, or referred to, including the transfer of stock from time to time. The bye-laws, rules and regulations of the said company. The several reports made to the company or any member thereof, as well by others as the agents of said company, and used or read before the board of directors. The several resolutions passed by the said company or board of directors. The several assays of ore made by the said company or by their direction, or at their instance or request, or by any member of said company and reported to the said board. The correspondence with the said company either by the members thereof, or by the different agents, or others in the employment of said company, or by persons who had visited the mine. The correspondence between the members of said company or between other persons and any member of said company touching the Virginia

mine, and read to or before the said board. That the defendant shall use as evidence letters from the Virginia Mining Company, or from any individual who now is, or at the writing of such letters was a member thereof, and that the arbitrators shall proceed with all practicable despatch to make up their awards.

In waiving all objections to the enlargement of the inquiry to the extent proposed by the complainants' counsel, touching the agency of the defendant at the Orange mine, the defendant's counsel do not admit or agree, but on the contrary expressly deny, that the substantial ends of justice will be better promoted by the consideration of testimony that would be excluded under the decision of the arbitrators, than by its rejection. They further deny, that perfect reciprocity in the procurement and adduction of such testimony can be attained—for the following, among other reasons:—

1st. Because of the death of William Letcher, who was the underground captain at the Orange mine for a considerable period, say from the commencement of the operations at said mine, until about the close of operating there; and was a skilful and experienced miner; was well acquainted with the conduct of defendant's agency at said mine; and who therefore would be a material witness for the defendant.

2d. Because of the absence of Jonathan P. Felt, who is now in India, and sailed in or about the month of December last; and who was also a skilful and experienced miner, and was engaged in the examinations of said mine.

3d. Because of the absence of Samuel Reed, who is now in Ireland, and who was engaged at the said mine for about two years, (commencing about June 1831, and terminating about June 1833,) and who was also a skilful and experienced miner, and who left this country in or about January last.

And, 4th. Because the defendant is ignorant of the residence of nearly all of those engaged in the operations of the said mine; persons whose vocation calls them to mining establishments in other States.

The objection therefore is waived, not because the ends of justice will be better promoted, or because he the defendant can go into the enlarged enquiry upon fair and equal terms; but, because it has been recommended by the arbitrators. MARYE & BOTTS.

For Defendant.

C. C.

Motion for continuance. Submitted on the afternoon of August 7th. Withdrawn and renewed on the 8th of August, 1834, by T. B. Barton.

The plaintiffs, George and Guy Richards, ask a continuance of this cause, until some period which may suit the convenience of the arbitrators and parties; and as inducements thereto, consent to enlarge the period in which the arbitrators shall give in their award, to any period which they may require. And, it having been intimated that the

defendant was anxious to obtain the money claimed by him, although the plaintiffs are equally desirous of obtaining the restitution of that which they have paid to the defendant; they offer to pay instantly the amount claimed by the defendant, provided the defendant will execute bond and security to repay the whole amount paid to him; provided it be so adjudged by the arbitrators, or any tribunal having competent jurisdiction so as to decide. The plaintiffs do not mean by this language to restrict the terms and conditions of payment, so as to create any difficulty, but merely as a proposition open to consideration, and to be adjusted on fair and reciprocal terms. As reasons for this continuance, the plaintiffs respectfully urge, that their late accounts from home give reason to apprehend that the cholera is, or soon will be, raging in the place of their residence; that they have long been separated from their families and their business; and that during this severe spell of weather, have suffered in their health, and apprehend longer exposure to it, in a climate to which they are not accustomed, may still farther endanger it; that these plaintiffs have been in attendance since the 21st July, and have not delayed a day or hour to press the matter submitted to arbitration; that they have used every diligence, but have still much evidence to exhibit; and are satisfied, even if they could stay longer at this time, that the period fixed for a decision by the arbitrators, would be too short to admit the introduction of their evidence, and evidence on the other side, and arguments of counsel, and then for the examination and decision by the arbitrators; that the fact has already been intimated to the parties, by the arbitrators, that they would require farther time to make up their award. That in addition to these considerations personal to themselves, it is impracticable at this time to procure the continued attendance of important witnesses; and one of their counsel has apprized them, that the approach of the courts which he attends; will, and does require his attention in a few days.

D. D.

Handed in on the morning of the 8th of August, 1834, by Barton and Berry, in reply to document X, and should follow it.

The plaintiffs' reply to the reasons suggested by the defendant, for not going into evidence touching the agency of the Orange mine.

As the first reason, the plaintiffs insist that the proofs proposed to be introduced are strictly applicable and pertinent to the issues made up by the pleadings between the parties, and by the articles of submission, and therefore there can be no just ground of complaint of surprise; but, to obviate any complaints on that score, the complainants are willing to allow any reasonable time to perfect the proofs. As to the expense and delay, that is unavoidable to a just decision of the matters in controversy; and the plaintiffs will feel it as much as the defendant.

As to the evidence referred to, as in possession of thee Virginia

Mining Company, the plaintiffs will afford every facility in their power, that it may be produced; and as to the correspondence referred to, consent that it may be introduced.

BERRY & BARTON.

August 6th, 1834.

E. E.

Letter from W. K. Smith to N. Richards; laid before the board, August 8th, 1834. Afternoon session.

ORANGE MINE, *June 11th*, 1833.

NATHANIEL RICHARDS, Esq., NEW YORK:

DEAR SIR: Your favor of the 8th inst. is before me. Notice your several remarks relative to Moffat & Co. and my interest in the Goochland mine. I have written your brother Charles on the subject, &c. and you will oblige me by showing all the specimens, washings, plot, and description of the mine to Guy, Charles, Moffat, my brother, and Mr. Wilden. I received a letter from Mr. Trego, in which he says, he is in want of hands. I have to-day sent him three first rate hands. He says, "our shaft is twelve feet deep, and expect soon to strike the *vein.*" I never have written to Mr. Trego about the large house you spoke of in one of your letters, but I have made arrangements with the mason to make bricks, &c. and shall endeavor to get some good responsible man to contract for the buildings, &c. &c.

I notice your remarks relative to the price of the twenty-five shares; and can only say, I am sorry on many accounts I ever purchased them. In your letter from Richmond and one from Baltimore, you say, "as soon as you receive this, I wish you to set down and write me that you will, as the difficulty, &c. is settled with Tinder, purchase of me twenty-five or fifty shares at $125 per share;" telling me the reasons why you wish me to do so. Before I received this, I did not think of purchasing; and you nor I *together never talkec about* any higher price than $90, or what you gave me; and this, my dear sir, is obvious from the nature of my letter to you; for, if I expected, or even thought I was purchasing at $125, there would have been no impropriety in my letter which I wrote to you, which I did not feel pleasant about; *nor do I now;* although I do not think it has, or will injure any one except myself. You say, you will place the difference to my credit, &c. I do not wish to receive this *as a favor;* because, if it is not my due, it will do me no good, and you are welcome to keep the twenty-five shares. I do not think ere long I shall be the any poorer of it.

Mr. Dwight is here and appears delighted with his speculation. We have raised some rich specimens to-day, and some of the richest washings I think I have ever made from the mine. It comes from one of the

rises. Mr. D. went below this afternoon, and thinks it is worth a visit to Virginia to see.

I begin to wish the mine farther from New York.

Yours truly,

W. K. SMITH.

F. F.

Private letter from W. K. Smith. Sale of 150 shares. Specimens of ore, Goochland drafts, &c. &c, December 19, 1832. Laid before the board, August 8, 1834. Afternoon session.

ORANGE MIME, *December 19th*, 1832.

GUSTAVUS W. RICHARDS, Esq., *Merchant, New York:*

NATHNIEL RICHARDS, Esq.

DEAR SIR: Your favor of the 15th is received, and its contents noted. I did think that I wrote you definite enough on the subject of my stock in the Virginia Mining Company, that you are at liberty to take the 110 shares at your offer, and wished you take the whole; for reasons which I have repeated very often. I was in good hopes ere this I should have had the means to have written my brother something definite, and that he should have the means of settling with my creditors before the boats stop running; for I am well persuaded, as I have told you, that $1,000 now, will be worth $2,000 to me next spring; for most of my creditors are aware that I have been doing some profitable business, and as soon as the time arrives when they can trouble me, they will, which you must well suppose makes me very unhappy.

In yours of the 6th inst. you say, "the offer you make of your stock, in yours of the 1st inst. I cannot accede to; but, having made you the offer of taking it at $90 per share, &c. I am still willing to accede to that proposition," &c. In yours of the 8th inst. you say, "I wrote you on the 6th inst. definitely on the subject of your stock, and cannot vary it, only so far as to say, that I will take the *whole* of your stock on the same terms," &c. As I have before observed, I thought I had in one of mine to you, said that I would comply with your terms, although I was in good hopes you would do better, &c. But, in order that there be now no misunderstanding on the subject, that I accede to your offer of $90 per share for the whole of my stock, (150 shares,) and take your acceptance, payable in three and six months, without interest; and I have not the least doubt, but when you receive the specimens that I have sent to-day, by Mr. W. to forward, that you can obtain $100 per share for the same. The draft payable in six months, you will please hand to my brother, Joseph Howard; and the one at three months, you will please forward me. Please write me as soon as you receive this, as I am anxious to give my brother instructions relative to settling with my eastern creditors, before the

boats stop running, as he will in all probability go to Massachusetts. I have packed up a box, sent about three pecks of ore from the Goochland mine, and likewise several of beautiful specimens from the Orange mine; all of which were taken from the vein at the engine cross cut. I have sent you $30 worth of specimens from Greenwood, which are beautiful; and should you not wish to keep them all, you will be able to dispose of them. Some time since, I engaged all the specimens Jackson had. I have also sent you a package, containing two small boxes and several papers; sent washings, &c. from the Goochland mine; all of which are splendid, as you will see. Each paper, &c. is marked, &c. The small paper, 1 and 2, as well as the specimens in the two small boxes, was taken from two bowls of the ore from the new pit, which has caved in, consequently, did not get so good ore as we should otherwise have done. I have sent the whole; one part in bag, in the box, is, as it came from the mine; and the other, which you will observe, looks rather cleaner, is the residue from which the specimens and washings in the boxes were taken; which we find, on pulverizing, to be very rich. If you wish to examine any of the ore, you will put it into a mortar, and fill the same with water, and you can reduce it very fine, as it reduces very easy. I have sent in the box, (of specimens from Greenwood) a small bar of gold, weighing thirty-six pennyweights, from Goochland mine, which I had melted; which is, I think, the richest gold I have ever seen. Any of the specimens in the boxes, &c. are rich enough to smelt. The richness of the washings may be seen by scattering them on the surface of a saucer with water, or smelting them. In unpacking the specimens, you will please be careful, as most of them have a great deal of fine gold attached to them. *Please have the Goochland gold essayed.* I had left all the specimens, &c. with my friend, Mr. White; and to day, Mr. Watchman, to whom I gave a letter to Mr. White, promised me that he would forward them by some friend if possible, if not, would forward them by the Union Line and steam-boat, &c. to New York.

I wrote you to day, as P. S. enclosing contracts with W. and B. The draft drawn for $8,000, was dated the 7th instant, and not as I stated in mine of the 13th. I have not as yet paid for one quarter of a share. When this is done, I shall send you an account of the whole cost of that property.

I have drawn the following drafts on you at sixty days' sight from that date:—

$ 000 00	on the 7th inst.		in favor of	W. I. Roberts, cashier.
000 00	ditto		ditto	William Moss.
6,000 00	ditto		ditto	W. I. Roberts, cashier.
350 00	ditto		ditto	Howard B. Edwards.
Total $9,350 00				

The latter draft ($350) in all probability will not be sent to New York. I may pay the same here. Mr. Wyatt has paid $440 in land, to one of the parties. I think of paying Wyatt $400, and for the

only to retain an interest of $500. I have paid the following sums:

1 share, W. D. R. Bowles - - -	$2,000 00	}	A discount on part
1 do. Jos. Hodgson - - - -	2,000 00	}	of the sm. 18 dett.
2 do. W. Moss—$1,100 - - -	2,200 00		Cash.
2 do. George Fisher, including $550 paid by Wyatt - - -	2,200 00		do.
Half do. Howard P. Edwards - -	700 00		Half cash.
Quarter do. Captain Branaugh - -	325 00		Cash.
6¾ Shares	$9,425 00		
¼—Suppose shall have to pay - -	325 00		to $350 00
	$9,750 00		

Expense of horse hire for Messrs. Hitz, and time for old Mr. H.—paper, &c.—36 dwts. gold.

Yours, &c.

W. K. SMITH.

Mr. Taylor wrote me, wishing to know what I would take for 100 shares of my stock, per share. Sent my letter to him, in answer. You will seal the same, and send it to him.

G. G.

Letter from N. Richards to W. R. Smith. Submitted to board by plaintiff, August 9th, 1834. Date, November 26, 1832.

NEW YORK, *Nov.* 26, 1832.

CAPTAIN WM. K. SMITH, *Locust Grove, Orange county, Va.*

DEAR SIR: I have written you, this morning, as secretary V. M. Co; since then in going down town, I found your favor of the 22d. (MM. page 39,) in regard to the Goochland mine. I have, of course, but little time to reflect upon the subject of the purchase of this property, and none to consult me, as you require an immediate answer.

You are aware, my dear sir, that I have now a very large mining interest, and to engage still further in it, seems rather a bold business, without ever seeing the property, or any of the ore: the very flattering accounts, however, you give of the great value of this property, and the entire confidence I have in your judgment, and that you would not, willingly, on any account, lead me to make any unprofitable investment. I now hereby authorize you, if the conditions of the lease are, as you state, "perpetual, without the least reserve, and subject to neither rent or share," and with conditions of assigning, so that there can be no question as to title; and on your personal examination of the premises, you are satisfied that there is a quantity of ore, and of a quality that you are as sanguine of its value as you appear to be now, to purchase the five shares, 1000 dollars, and the two remaining shares at 3000, so if you cannot obtain them on better terms, which I hope and trust you may do, so as to have the whole for 10,000, dollars, or less.

I observe that you wish to reserve the right of one share, or $1,000 for M. Wyatt, and a half share for M. Hitz, at 500 dollars. These reservations may be embarrassing to any future disposition of this property; for it is very evident that neither of these gentlemen have any means to pay for the property, and especially, to make any advances to put the mine into operation. I think, therefore, that you had better state to them the embarrassment that may present to capitalists here, to have such a part of the property held in Virginia, by them; and before you say to them what you are authorized to do, obtain from them what they will be willing to take, and relinquish all interest.

On examining the whole subject, you are at liberty to make the purchase of the lease, on the best terms you can; and you are at liberty to draw on me, at sixty days, for the amount: it would be better, if practicable, at two, four, and six months; I submit this to your negotiation. Before making the drafts, you will see that the lease is regularly and legally assigned to me; it is understood, of course, that you are to have one-third interest in the purchase. I have no time for more.

Get the refusal of the purchase of the fee of the property, and advise me. I may write again to-morrow.

Yours, sincerely,

NATHANIEL RICHARDS.

H. H. (No. 1.)

Copies of letters from Nathaniel Richards, to william K. Smith, of the following date: Dec. 6, 1832; Dec. 25, 1832; Jan. 9, 1833; Jan. 19, 1833. Laid before the board by plaintiff, Aug. 9, 1834.

(*Private.*)

NEW YORK, *December 6th*, 1832.

CAPT. W. K. SMITH:

DEAR SIR: I am in receipt of your two favors of the 1st and 3d instant, and note what you say, respecting the Goochland property, and that you were starting again for there, with a view of closing the purchase of the shares, which I hope, from what you state of the richness of the ore, and the prospects as to the quanity, that you will close the contract with them; and I wrote that you have prepared yourself with the means of closing it, by drawing on me at sixty days, for 2,000 dollars, which shall be honored, when it may be presented.

The offer you make of your stock, in yours of the first, I cannot accede to; but having made you the offer of taking it at 90 dollars per share, &c. I am still willing to accede to that proposition, because I think I may realize good interest in the investment.

In my last, I mentioned that Mr. Taylor's offer of his stock, and

433.

that it was probable that he would accept $20,000 for his 250 shares, or 80 dollars a share, at three, and six months, without interest. Mr. Wilder has made the offer to him, (I.) and it has been accepted, payable at three, and six months from the 1st January, without interest, when the stock must be transferred; Mr. Taylor paying an instalment, or assessment, 75 cents per share, ordered to be paid on all the stock on the 14th instant. My offer to you is much better; I hold myself to the offer now, only until I can hear from you in reply to this.

I am much pleased to learn that you are determined not to enter into any new speculations in mining operations, but to give your time and attention to the interest of the Va. M. Co. The company have entire confidence in you, and your situation is a very respectable one, and, I doubt not, it be sufficiently profitable to you, as to make you, I hope, feel that you are, in a great degree, really independent.

In regard to Mr. Hitz and Wyatt's interest in the Goochland purchase, (if made,) being retained, as stated before, I think it may be important, in making any negotiation for this property, that I may have the power of selling out the whole concern, if desirable, and I therefore still wish you to obtain their views of what amount they would be satisfied with; waiting the pleasure of hearing again from you, and requesting, with Mrs. R. to be kindly remembered to Mrs. Smith and your brother.

I remain yours, sincerely,
NATHANIEL RICHARDS.

H. H. (No. 2.)

NEW YORK, *December* 25, 1832.

CAPT. W. K. SMITH:

DEAR SIR: I wrote you a few lines by mail of yesterday, to which refer. I called at your brother Howard's yesterday, to state to him the sale you had made of your stock, and that you would now have the means of compromising with your creditors, but I did not find him in, he had returned to Brooklyn; annexed, I now hand you statement of your stock account with the Virginia mining company, amounting, with the interest, to 3,744 dollars 69 cents, which I have paid; and your account with them is closed, and the one hundred and fifty shares of your stock, they held as collateral security for these advances, are now standing in my name, for my account, agreeable to your letter of the 19th; and annexed, you have the statement of the purchase of that stock, amounting to 13,500 dollars, charging you with the amount paid the Virginia mining company, and four and a half months interest on the same, being the average of the time when the purchase of the stock will be due, and leaving you a balance of 9,671 dollars six cents, which, my dear friend, is not as much as I had hoped you would have realized for your concern there; but

the sum is a large one to realize as a clear profit, on an operation of about nine months' standing. If Chamberlain and Felt knew how much you have made on account of the "Grasty mine," they would almost expire with vexation; it is best they never should know. It occurs to me, that it would be best for you to draw on me at three, and six months, for the balance due you; would it not be well for you to draw them in favor of your brother B. H. S. and when you write your brother Howard, giving him instructions in regard to the settlement of your eastern debts, you can send to him a draft, or drafts, to such an amount as may think best; you can make the drafts for the balance, in such amounts as you may find most convenient for yourself.

I note that you hoped to arrange with Wyatt, for him to retain an interest of only 500 dollars. I shall be glad if that is the case, and I should be well pleased, if you could purchase his and Hitz's interest in that concern, at a fair price, that we might have the entire control.

You now, very dear sir, have the means of clearing yourself from debt, in a situation that is truly respectable, with emoluments that I trust, will, the coming year, be very handsome to you; and I flatter myself, in addition, that the Gordon and Goochland leases will produce to you a very handsome sum. We have, indeed, cause of much thankfulness that our perseverence has been crowned with so much success, and I hope and trust, that we may not be unmindful of the Author of so many mercies.

Yours, very sincerely,
NATHANIEL RICHARDS.

The following is the account enclosed in the above letter.

CAPTAIN WILLIAM K. SMITH,

To VIRGINIA MINING COMPANY.

1832.	[STOCK ACCOUNT.]		
May 26.—To amount of assessment, 75 cents per share, on 150 shares -			$112 50
July 14.—To amount of assessment, 1 dollar per share, on 150 shares -			150 00
Oct. 5.—To amount of assessment, 1 dollar per share, on 150 shares -			150 00
Oct. 26.—To amount paid your draft this day, dated 23d April, at 6 months			3,180 00
Nov. 8.—To amount of assessment, 75 cents per share, on 150 shares -			112 50
Dec. 24.—Interest on $112 50 from May 26 to Dec. 24, 6 months 28 days -		$3 98	
" —Interest on $150 00 from July 14 to Dec. 24, 5 months 6 days -		3 90	
" —Interest on $150 00 from Oct. 5 to Dec. 24, 2 months 15 days -		1 88	

Dec. 14.—Interest on $3,180 00 from Oct. 26 to Dec. 24, 55 days - -	29 15	
" —Interest on $112 50 from Nov. 8 to Dec. 24, 42 days - -	0 78	
		39 69
Total - - -		$3,744 69

The above amount paid this day by N. Richards—and the 150 shares now stand in his name.

NATHANIEL RICHARDS, *Treasurer,*
Virginia Mining Company

WILLIAM K. SMITH,

1832. IN ACCOUNT WITH NATHANIEL RICHARDS.

Dec. 24.—To amount of account with Virginia Mining Company, paid this day - - -	$3,744 69
Dec. 24.—To 4½ months' interest on ditto - -	84 25
Balance due - - -	9,671 6
Total - -	$13,500 00

1832.

Dec. 24.—By 150 shares Virginia Mining Company's stock, per W. K. Smith's letter of 19th instant, at $90 per share, on a credit of three and six months - - -	$13,500 00
	$13,500 00
Dec. 24. By balance due, payable in three and six months - - - - - - -	$9,671 06

NEW YORK, *Dec. 24th,* 1832.

(E. excepted,) NATHANIEL RICHARDS.

Draft at three months for $4,835 53
Do. six do. 4,835 53

$9,671 06

H. H. (No. 3.)

NEW YORK, *January 9th,* 1833.

CAPTAIN W. K. SMITH:

DEAR SIR: I received, on the 5th, your esteemed favor of the 29th ultimo. I hope to hear again from you soon, and that you have arranged wholly as to the Goochland purchase, and also finally as to the interest of Wyatt and Hitz; how much they are entitled to—and

what they are disposed to sell out—whatever interest they may have. Until I have *positive* information on these points, I cannot decide upon any course in relation to the disposition of that property.

I have the pleasure to say, that the specimens have been received, and they fully equal your representations. The ore is truly rich—very rich—much exceeding my expectations. If the veins of ore of the quality are extensive, and in large quantity, the value of the property is immense. I have not as yet named to any one this purchase, nor shown the ore—nor shall I, at least for the present; and be assured, my dear sir, our interest will not suffer by the delay. The more the Orange mine is developed, and the better the prospects as to that, the more valuable will be the others.

Gold mining, as yet, is not held in very high estimation here, excepting among those who are interested in the Virginia Mining Company. It is an undoubted fact, that but very few have ever made any thing in gold mining in any country; and the result of the Charlotte Company and the Carvill's operations in North Carolina, have been such, that gold mining is rather sneered at, excepting by a few—very few. I think it important to dispose of the Gordon mine in some way, if I can, which I have no doubt of, before I make, in any way, an offer of the Goochland. As soon as I receive the plott of the Gordon mine, I shall determine upon my course respecting that, and shall, perhaps, have matured some plan in relation to the improvement of the Goochland. That we shall be well rewarded for our speculation in this latter mine, is most certain. I observe that you are willing to sell the whole, or the half of your interest, at the rate of $100,000 for the mine; and Wyatt and Hitz, at the rate of $50,000. I must, as before observed, wait until I hear more distinctly. Will you please state distinctly your opinion, from your own observation, what is your opinion of the *magnitude of the veins*, that I may have something more to govern me.

Your drafts for the purchase of your stock, have all appeared, and been honored; and Mr. Howard, I presume, has advised you of his having compromised with one of your largest eastern creditors, at fifty cents on the dollar—saving to you about $1,400* on one debt; and I sincerely hope he may be able to arrange as well with some of the others. Some of the small ones, he told me, you were desirous to pay in full—Captain Felt's—for which I am glad; not that I think he is particularly entitled to your consideration—but, as he may learn, ere long, that Providence has been bountiful to you, he might feel very sore if he relinquished one-half of his debt; but, if he receives *all* his demand upon you, he can have nothing to say.

In one of my recent letters, I replied to your suggestion on the subject of your making an arrangement with the elder Hitz. Have you done so? Please let me hear from you on that subject. It is very certain that some competent man must be at Goochland, to manage the operations there, which must be commenced there this spring coming, on account of some concern; and if you are entirely satisfied that

*This copy was made from a press copy, some portions of which are indistinct. A doubt is entertained by one of the examiners, whether this sum is $1,400 or $140.

433.

Hitz is the best man that can be procured, you are at liberty to make such an arrangement with him as you may deem for our mutual interest, in the event of our retaining it the mine on our own account—making a company of it. What could the *fee* of the Goochland farm be purchased for, if it should be deemed of importance to have it? It would be well, perhaps, to know; and if it could be had very cheap, I am not sure that it would not be good policy to have it, so that the mining establishment may not be subject to be annoyed at any time by the establishment of a tavern or store, or any other buildings or neighbors, that may be not only disagreeable, but a real injury and nuisance. I presume the land there as a farm for cultivation, is of but little value. If you have the same view or this subject as I have suggested, and you can purchase the *fee* of all that part at least in the vicinity of the mines, at a low price, you are at liberty to do so.

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. The little bar of gold I have had essayed. It proves to be fine indeed—23 carats and $\frac{3}{32}$ finer than any I have ever seen or heard of in its native state; and the ore, as far as can be judged of it, looks of the same color, and I conclude is as fine as this bar.

The specimens from Greenwood are really handsome, and I feel much indebted to you for making this purchase for me. They are well worth the amount paid, ($30,) which is to your credit.

Please send me a plot of the buildings and the machinery that you think the true policy to adopt for the Goochland mine—with the estimate of expense of the different items—and how many hands to be employed for the first season. Write me such a letter in relation to this mine, in all respects, that I can show, if I please, to others.

January 10.—I have your favor of the 7th, and note that the Goochland farm contains 466 acres—and that the box of Gordon ore was sent by the brig Superior. I shall doubtless find it in the store of the owner. The*

H. H.—(No. 4.)

NEW YORK, *January 19th*, 1833.

CAPTAIN W. K. SMITH:

DEAR SIR: I received, in due course, yours of the 16th, and yesterday yours of the 14th instant. I have also a letter from my son, and am not a little pleased to learn, that Mr. Hitz coincides in opinion with us, of the value of the Gordon property. Upson has expressed him in strong terms of gratification of the prospects of the Company at Orange, and at Gordon's, and of the kindness of yourself and family to him while with you.

* This copy was taken from a press copy, which ends abruptly at the bottom of a page as above, and the continuation of the postscript is not found any where on it.

In consequence of your letter of the 29th ultimo, offering your interest in the Gordon lease to the Virginia Mining Company, at $10,000, and observing, "that you thought they ought to have it, as you could see to it." I felt bound to offer it to the Company, and I stated it to Mr. Wilder, and requested him to make the communication to the other directors; and he yesterday morning sent them a written notice to meet him on the subject to-day. I do not much expect that they will accede to the proposition; and had I have received yours of the 14th, before I had made the offer to Mr. Wilder, I do not think I should have offered it to the Company, although as you had made the offer of sale through me, I could hardly, perhaps, with strict propriety, omit to make the offer; and as you were willing to put in your interest at $10,000, Mr. T. and myself thought it well, perhaps, to put in ours at the same rate: but I can truly say, as regards my own personal interest, I hope the Virginia Mining Company will decline the offer, as I am entirely confident we shall soon be able to realize a much larger sum for it. As soon as I get their decision, I will advise you; it may not be until the ensuing week. I have requested Mr. Wilder, in offering the property for sale to the Company, not to *urge* them to purchase, but to lay the lease and your letter before them, and the terms, with the specimens of the ore, and let them act as they think for their interest.

I observe that you state, "that the ore sent from Goochland is not as rich as you have seen it from there, as it was taken from the pit after it had caved in." I can only say, if there is an abundance of ore of the quality you have sent me, it is rich enough; but if it is on the average much *richer* than that, it is truly wonderful; and I am much pleased to learn, that by actual survey, the vein is nearly 4000 feet. I am much pleased to learn, that you have purchased the remaining quarter share, so that we now have the whole, with the exception of the interest of Wiatt and Hitz, and I hope you may be able to obtain their interest on moderate terms, as you intimate you may when you meet.

I note what you say respecting old Mr. Hitz, and am pleased to learn that you think so well of his mining abilities, industry, &c. and, as before observed, you will make such an agreement with him, as will be reasonable and prudent on our parts, but, at the same time, allow him such a compensation as will make him feel contented and satisfied, and feel disposed to do every thing in his power to promote our interest. I am *now*, my dear sir, well aware of the great skill, labor, and responsibility of developing and conducting a mining establishment; but, in starting any new concern, or any business, until there is a certainty of profitable returns, it is prudent, and in fact, duty, to make all the expenses as moderate as practicable until the results are ascertained. I am aware, my dear sir, that the compensation allowed you, of $1,000 per annum, is moderate, and by no means what I think your services require; and I trust that the present year will produce to you a very handsome per centage; and I will venture to add, that I am confident, that as soon as the mills, &c. are put in operation, and the board are convinced that they will

realise any thing near their calculations, they will, with great unanimity, make you a liberal compensation. I note, with very sincere regret, that you were going to F. with Mrs. S. to have some operation performed, and shall be pleased to learn that it has been done, and that she is benefitted.

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. I note by your postcript, that you had completed your level from tbe letcher to the king shaft, and that you were now taking your water from the king shaft through the level to the main shaft. This level, I presume, is a *new one*, and lower down than what we have heretofore been advised of.

I am sorry to say, that the box of Gordon ore and Hamilton's gold have never been received. They were not shipped in the *Superior*. I have seen the manifest of her cargo from F. There was nothing of the kind on board, and they are probably in store in F. or else put on board some other vessel; and there ought to have been a bill of lading and receipt for them.

I. I.

Letter from D. Trego, August 24, 1834.

HARTFORD, *Aug. 24th*, 1834.

DR. B. R. WELLFORD, COL. W. F. GRAY, and RICHARD B. MAURY, Esq.

Fredericksburg, Virginia.

GENTLEMEN: I arrived at the residence of my father, a few days since, and, after having made a thorough examination for the letter received from Captain W. K. Smith, about Christmas, 1832, and not finding it, my mind is brought to the fullest confirmation of my former conviction, that Captain Smith *did receive* the letter, in question, from me, along with the other letters.

Whether the letter may have been voluntarily or accidentally mislaid by him, is not for me to determine: but you may recollect his positive declaration to me, in your presence, that he never received *that letter* from me.

I beg you to consider this communication, as made under the same solemn obligation to truth, in which I made all my communications to you, when personally before you in Fredericksburg.

Very respectfully, yours,

D. S. TREGO.

K. K.

Copy of the arbitration agreement. Returned ratified, Nov. 24, 1834.

[COPY.]

It is mutually agreed by and between Guy Richards and George Richards, as well for themselves as for Francis Allyn, Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, of the one part, and William K. Smith, of the other part, that all matters of controversy, involved in the following suits, depending in the circuit court of the United States, for the southern district of New York, in the second circuit, viz. in which Guy Richards is complainant *vs.* William K. Smith, defendant; and George Richards is complainant *vs.* William K. Smith, defendant; and Jonathan Willmarth, John L. Moffat, and Joseph Curtis are complainants *vs.* William K. Smith, defendant; and William K. Smith is plaintiff *vs.* Guy Richards, defendant; and the same plaintiff *vs.* Francis Allyn, defendant; and the same plaintiff *vs.* George Richards, defendant; also, in the suit depending in the vice chancellor's court, in the first circuit, in the State of New York, in which Francis Allyn is complainant, and William K. Smith, defendant, be referred and submitted to the arbitrament, final end and determination, of Beverly R. Wellford, Richard B. Maury, and William F. Gray, arbitrators, selected by the said parties; so as the said arbitrators do make and publish their awards in writing, ready to be delivered to the said parties respectively, or such of them as shall desire the same, on or before the first day of September next. And it is farther agreed, that the several awards, of the said arbitrators, in the premises, shall be entered as the judgments and decrees of the court, in the several causes in which the subject matter of such award is depending. And the said Guy Richards, George Richards, and William K. Smith, respectively, bind themselves and their respective heirs, to abide by and perform such awards, in all things, which may be awarded against them respectively. And it is further agreed, that the said arbitrators may proceed forthwith to examine such witnesses, as may be offered on the part of any of the parties to the said suits; and after completing such examination, that they adjourn to meet again on the 21st day of July next, at which time, all the parties are to be considered as duly notified to attend before them. And it is further agreed, that the depositions of any witnesses in the city of New York, may be read as evidence, if taken on reasonable notice to the adverse party; and that when such depositions shall be taken on the part of the said William K. Smith, such notice to the said Guy Richards, shall be deemed sufficient as to all the other parties. And the said Guy Richards, and George Richards, undertake and stipulate, that the said Francis Allyn, Jonathan Wilmarth, John L. Moffat, and Joseph Curtis, shall ratify and confirm this agreement on their part.

In witness whereof, the said Guy Richards, George Richards, and William K. Smith, have hereto set their hands and seals, the 26th day of May, 1834.

(Signed)

GUY RICHARDS. [SEAL.]
GEORGE RICHARDS. [SEAL.]
WILLIAM K. SMITH. [SEAL.]
FRANCIS ALLYN. [SEAL.]

We, the undersigned, hereby ratify and confirm the annexed agreement; and do further agree, that the matters of controversy depending in the suit of Parker, Howard & Co. *vs.* Wilmarth, Moffat, and Curtis, shall be embraced in the annexed reference, and subject to the award of the arbitrators, in like manner as the other matters therein referred; and we bind ourselves respectively, and our respective heirs, to abide by and perform the awards of the arbitrators, in all things which may be awarded against us respectively.

In witness whereof, we have hereto set our hands and seals, this day of , 1834.

JOHN L. MOFFAT. [SEAL.]
JOSEPH CURTIS. [SEAL.]
JOSEPH HOWARD. [SEAL.]
EBENEZER PARKER. [SEAL.]
FRANCIS ALLYN. [SEAL.]
JOHN T. HOWARD. [SEAL.]
MARY ANN WILMARTH. [SEAL.]
Administratrix.

FREDERICKSBURG, *July 29th*, 1834.

Messrs. Parker, Howard, & Co. (that is, Ebenezer Parker, Joseph Howard, and John T. Howard) will please sign the within obligation, and oblige

Yours, &c.

W. K. SMITH.

L. L.

Read and submitted by plaintiff's counsel, Nov. 28th, 1834. Answered Nov. 24. No. 4, p. 121.

ORANGE MINE, *Nov. 15th*, 1832.

GUSTAVUS W. RICHARDS, Esq. *Merchant, New York,*
NATHANIEL RICHARDS, Esq.

MY DEAR SIR: Your favor of the 7th instant, was duly received. The one enclosed from Messenbach to our friend Mr. Taylor, was painted in rather *high colors*. Poor wretch! I never saw him but once after I loaned him $24; and I am persuaded I never injured

him; he, no doubt, had been deranged for sometime past. It adpears he had borrowed or swindled a Mr. Delias, a Bremen merchant, out of $1,600, who he met in Baltimore; and he has run on an idea that Delias had a strong box, and wished to kidnap him, and that I was, (as would appear from his letter,) the principal. I cannot learn that he ever had a brother. He told several that Delias had a box at Barbersville, to put him into; he likewise told the tavern keeper, (who would not trust him any longer for his board,) that he knew that Delias had requested him to do so, in order that he might be induced to kill himself; but he should not. Poor creature! I freely forgive him for what he has said or done, and hope God, in his infinite mercy, will have mercy upon his soul.

I have written you this day, as agent of the Virginia Mining Company, respecting the stamps. Mr. H. when I read him the company's request, appeared a little hurt, and I must say that I did. For him to make an experiment with wet stamps, would be something like your brother Guy, if he should be called to put up a new distillery, making an experiment with a small *worm still* and hand mash tub, in order to see if he could make whiskey out of *rye* and *corn*. I think the board mistake their own interest, very much, in wishing such a thing. We ought to press on, in order to get our mine well developed, and our permanent establishment. But Mr. H. and myself think they have got the smelting fever. If we go on, we shall be able to get eighteen to twenty-four stamps in operation by the month of March or April; and Mr. H. feels confident that they will reduce a large quantity—he thinks the thirty-six would four hundred bushels—but I shall soon, as Agent, be able to write you.

I notice what you say about stock—and I do sincerely hope that you will, as I mentioned to you when here, dispose of all my stock. Since you left, I have had letters from my creditors. I should be glad to get a par value of the stock; for it will be better for me now, than double the amount in a few months. Nevertheless, I should be pleased for you to get all you can for me; but don't miss the sale, by holding it too high. I have not yet heard from Mr. White. Mr. Hitz went to Goochland before he came here. Says it is a very interesting place. He was very desirous for his Company to purchase it. Report says they are getting two pounds of gold per day. We washed some from them to-day. It was very rich; three-quarters of the weight was gold. Jackson & Co. has purchased Greenwood for $24,500. I think Goochland, by-and-by, could be purchased cheap, compared to its value. Did you have the Gordon lease recorded? and what does the Company say about it?

If not too much trouble, Mr. Gordon would like to ascertain what a shingle machine, with a circular saw, could be bought for, and what would the cost of a circular saw, twenty-four to twenty-six inches, be. Mrs. Smith and family join in respects to you and family.

In haste. From yours, truly, W. K. SMITH.

P.S. We had a very full and interesting prayer-meeting at my house on Sabbath day. The box of ore from Gordon's has been forwarded to Mr. Williams to ship the first opportunity. Should oppor-

435.

tunity present, it would be well to send most of the things from *Greenwich.*

M. M.

Read and submitted by Plaintiff's Counsel, Nov. 28, 1834. Postmarked Nov. 24. Received Nov. 26. [For answer to this, see G.G. page 25.]

ORANGE MINE, *Nov. 22d*, 1832.

GUSTAVUS W. RICHARDS, *Merchant, New York:*
NATHANIEL RICHARDS:

DEAR SIR: In my last, I wrote to you respecting Goochland mine. It contains about four hundred acres, all of which (except ten acres near the mine) is covered with fine timber; and from the report of Messrs. Hitz and Wyatt, and the great excitement, I am induced to believe it a very promising mine. The ore in richness surpasses any thing yet discovered in this country. Mr. H. and father have visited it three several times; and the last, he gave it a careful examination: he appears quite sanguine of its being of great value. This mine, with appurtenances, is held under a *perpetual* lease, without the least reserve, and subject to *neither rent* nor *share;* in fact, it is all a company of capitalists could desire; and the fee simple could be obtained for two or three hundred dollars, by allowing the old man to cultivate a part of it; but the lease is all any one could desire. The lease has been made out in due form, and recorded. It belongs to seven gentlemen, two of which are wealthy, and five poor, and unable to prosecute the business. Now my dear sir, I have (*through Mr. Wyatt*) obtained these great obligations in writing, to sell out on the following conditions: The five shares for $5,000, or $1,000 per share; and the two shares owned by the gentlemen who are anxious to keep their shares and work the mine, for $3,000 each, or $6,000, making in all, $10,000, or $5,000 for 5-7ths: sixty days' credit. Perhaps $2,000 may be wanted to advance the poor men. The gentlemen are anxious to form a company—in which case, they obligate themselves to take $1,000 each, or put in their shares as the rest, and furnish capital to work the (or their part)—with this understanding, that if they think it will require more capital to get into full operation than they feel willing to advance, they can give up their shares to the company, and $1,000, provided they do so before the first engine is erected, &c. I have the refusal of this property, as stated above, until the first day of December, when, if I do not take it, there is a company stand ready to take it, and divide it into twenty shares, and obtain a charter, &c. I do not like to let so good a thing slip. In case I should take the property, Mr. Wyatt, who has been very active, &c. is to have one share, or say $1,000 worth, and Mr. Hitz $500, which will leave three and a half shares provided I take but five, and five and a half if we take the whole.

The proposition which I have to make is this: If you and some of your monied friends will provide capital to purchase or pay for the

five or seven shares, (as you please,) in case of purchasing, and being ready, I think the whole can be had for $10,000. We will share equally; or I will retain one-third, and you and your friend or friends shall have the two-thirds, after deducting or reserving the share, or $1,000 for Wyatt and $500 for Hitz. Mr. Wyatt can pay $600 of his $1,000; Mr. Hitz, none; with this understanding, that we all give up our shares, or give deeds of trust, as *collateral security.* And in case of the whole purchase, you are to have the management, &c. And in case of development, *Mr. Hitz, the older*, would, if required, be practical miner, and Mr. Wyatt would make a trusty person as book-keeper, &c. Mr. Wyatt, who has a good deal of influence, would go to the Legislature and obtain a charter, if required—which would be advisable as soon as the House meets. I cannot think you or your friends can run the least risk, but do think a splendid thing might be done. One or two bushels of ore could be sent to New-York, that would astonish the people. Now, my dear sir, if this meets your view, please write me by return of mail; as I have not a moment to spare; and say, if some advance (say, $500 or $1,000) should be wanting, if I can draw, and whether I shall take the five seven shares. I do not think you will meet with another opportunity so good. I could not get a longer time, as Mr. Wyatt informed me that a great number was wanting to purchase half, and whole, and quarter shares.

In haste.

From yours, truly,

W. K. SMITH.

I fear we shall not be able to get *Barnett's* place: *fever*, rather *too high*. I was in good hopes you had done something for me, ere this. Have you made any trial with the Gordon ore?

You will receive my letter and draft by to-morrow's mail. The mill arrived this afternoon in fine order, and looks well. We have had very unpleasant weather for some days. All moves on well. Much in want of more *miners*.

N. B. If I should receive yours, I shall go to Goochland and examine the place, before I conclude the bargain; and if it did not suit me, should not purchase. Should I not receive yours in time, I think I shall secure the five shares, as there are several gentlemen that will take it.

N. N.

Smith to Richards. Read and submitted to the Board, Nov. 28, 1834. Answered Dec. 6. (See H. H. No. 1; also, P. 4)

ORANGE MINE, *Dec. 1st*, 1832.
(Post-marked Dec. 2.)

MR. GUSTAVUS W. RICHARDS, *New York:*
NATANIEL RICHARDS, Esq.:

DEAR SIR: As your answer respecting the Goochland purchase did not arrive within the limited time that I had appointed to meet the par-

ties on the premises, I left for that place in company with the two Mr. Hitz; and, after examining very carefully the vein, (so far as *it is exposed*, which is for a distance of one hundred feet lengthwise, and within one and two feet of the surface, and one place to the depth of eighteen feet,) I imformed the gentlemen that I had not heard from N. Y. and wished an extension of time, and should prefer seeing the vein at forty feet.

After conferring, they agreed that I should have the liberty of sinking a shaft forty feet, (which can be done with a windlass and with the assistance of the elder Mr. Hitz,) by increasing the value or giving them $100 more on five shares, but reserving to themselves the privilege of selling, if a higher price should be offered in the mean time. These were the best terms I could obtain. The title is an undoubted one, and is a perpetual lease of all the minerals, with the use of all the wood and water; reserving only to the owner the land for cultivation, off of which the wood is used; and was purchased by the present owners, some of which paid as high as $600 for their interest.

The place is very favorably located for a mining establishment: is about nine miles from Columbia city, (so called) which is on a branch of James River, and to which there is a good boat navigation kept up. Goods are brought from Richmond there at twelve and a half cents per hundred, and wagons can be obtained at two dollars and fifty cents per day. The land (consisting of about four hundred acres) is mostly in good wood; and there is a saw mill within two miles, and two small streams of water passing through the place, both of which could be united into one, by a short canal, and render the stream sufficiently large to carry a mill for several months in the year.

They have washed in all six days with one poor rocker, and obtained between six and seven hundred pennyweights of gold, and have a quantity yet unwashed; and this they do without reducing the ore. There are several who stand ready to purchase, yet are unwilling to, until they learn our opinion, which we of course keep to ourselves. Since my return, I have thought it would perhaps be best, if possible, to close the purchase *now*, (which I think I can do for $9,000) and run the risk; for if, after sinking the shaft, something still more promising should be struck, it might be difficult to hold them to their agreement, although I had it committed to paper. The vein is well defined, and very much decomposed, and formed in a mica state. There are also several other prominent quartz veins running through the premises. I think that nearly $9,000 could be realized out of what is now laid open of the vein: and I am of opinion, that an establishment could be got under way there for 12 or $15,000, which would afford splendid results. Should I be able to purchase, I shall have to draw on you a short notice for 1 or $2,000, to satisfy some of the smaller parties.

In regard to my stock in the Virginia Mining Company: After taking into consideration my present unpleasant situation, arising from the claims of my creditors, (which are now hanging over me, and due to a considerable amount) I have concluded, that if you will give or

obtain for me $12,000, in two acceptances of thirty days and three months, and pay the amount already advanced me, and the instalments to date; to rest satisfied with that amount. This will greatly ease my mind, and I have no doubt will afford you an opportunity of realizing something very handsome on the stock, for our prospects have never looked so favorable as at the present time.

With a well defined and large vein in view, an abundance of good ore raised, and an almost inexhaustible quantity of ore in reasonable prospect, I cannot think you or any one else acquainted here will hesitate a moment to accept my proposition, knowing too, as you do, my dear sir, that my desire to sell does not arise from any want of confidence in the mine, but entirely from a wish to clear myself and family from debt. It would be useless for me to add more, as you have so frequently learned the situation of my affairs from my own lips; and I therefore leave the proposition with you, wishing to know your decision soon as possible, and assuring you I shall never entertain any hard thoughts towards you or any one else who shall purchase the stock, but, on the contrary, shall feel extremely grateful for the means to pay my lawful claims.

I will, soon as consistent with my other duties, write you particularly about the Gordon place; giving every information in my power; with what I should be willing to take for my third. I consider that place a valuable one; and, in this opinion I am not singular.

Am a little indisposed to-day, and will write to you again very soon.

Waiting your answer, I remain, dear sir,

Yours, truly,
W. K. SMITH,
Per B. H. SMITH.

P. S. Your letter as C. S. of the 28th, is just received.

O. O.

Smith to Richards, December 3, 1832. Read and submitted to the board, November 28, 1834. Answered December 6. (See H. H. No. 1; also, p. 24.)

ORANGE MINE, *Dec.* 3*d*, 1832.

(*Post-marked Locust Grove, Dec.* 11.)

GUSTAVUS W. RICHARDS, Esq.
Merchant, New York.
NATHANIEL RICHARDS, Esq.

DEAR SIR: I have this day received a despatch from Goochland, stating, that in the shaft which I ordered sunk, they had struck "a *very rich*" vein; and likewise a cut which they had made on the other side of the branch, yielded "*rich ore.*" There is in the concern a *miserable slippery fellow*, who may wish to take advantage, should

440.

the vein prove richer on going down. I therefore think it best to leave for Goochland, in company of the elder Mr. Hitz; and should the *formation* and prospects suit me, I shall close the purchase; being careful that all is done as it should be; and, in order to be prepared to stop the mouth, &c. and settle in full, by cash, with one or two, I shall go prepared; for which purpose I have this day drawn on you, at sixty days' sight, in favor of W. I. Roberts, for $2,000, which you will please accept; and should I not be able to close, or find things as I expect, I will, forthwith, send you a check on M. bank, N. York, for the amount, and we shall only lose the discount.

Should this place prove as I think and hope it may, I do feel confident, that, with the *ore*, *lease*, and plot, &c. you will be able to negotiate or sell this property for $100,000; and you can, without doubt, (through your son, Mr. James,) obtain a *charter;* and I think a small capital will put it in full operation, say $20,000 or even $15,000, as wood, &c. is on the spot. Should I purchase, I shall send you, without delay, some of the ore, by way of Richmond, and some by way of Fredericksburg; and as soon as possible, send you a plot of the land, vein, &c. This done, I am determined to enter into no new mining speculation; and I should be pleased to get rid of all my mining stock, and give my time and attention to the interest of the company; which I feel it my duty to do, so long as they honor me with their confidence, which I now have the pleasure of enjoying. I have mentioned to Mr. Hitz respecting his share or interest. He feels anxious (should we purchase) to retain his until the property should be negotiated, as he thinks it valuable, and I hope it may be agreeable to you for him to do so, for he is a worthy man—is very poor, and has a large family dependent on him for support. I have not heard from or seen Mr. Wyatt, but will endeavor to get him to say, on paper, what he will sell for, or, in case of negotiating, he should be willing to take.

We are all happy to learn of the safe arrival of Mr. and Mrs. James, and that they enjoy so good a measure of health. Mrs S. joins me in the affectionate regards to you and yours.

In haste,

From yours, truly,

W. K. SMITH.

John M. Thompson has just stepped in, and wishes me to write you respecting his family coming on here. He is the one you mentioned, and his family is known to George. They live near the distillery. He has a boy 13 years old, that will be useful. They will live in the house on the turnpike. Their passage can be paid in Fredericksburg.

W. K. S.

P. P.

Smith to Richards, December 4, 1832. Read and submitted, November 28, 1834. Answered December 8, (Q. 4.)

ORANGE MINE, *Dec. 4th*, 1832.

(*Post-marked, Dec.* 5.)

GUSTAVUS W. RICHARDS,
Merchant, New York.
NATHANIEL RICHARDS.

DEAR SIR: I had the pleasure last night of addressing you relative to the Goochland property. This morning I have the pleasure of yours of the 1st instant, and note its contents. I do hope our friend T. will not sell for less than $100 per share. I have thought from what you wrote, that it would sell much higher, and must say I am much disappointed. Referring you to mine of the 29th, in which I made you an offer of all my stock at $12,000, you paying the instalments, and advance, &c. I was in good hopes, and am still, you will accept my offer. A. I notice, my dear sir, your offer of $90 per share for 100 or 110 of my stock, and your desire for me to hold the rest. I am well aware that you and the rest of my dear friends who do not know my circumstances fully, &c. think that I shall be more interested and efficient by retaining stock; perhaps it would be so with one in affluent circumstances; but, to one involved in debt, and but a small salary to maintain an establishment like mine, is quite the reverse; for I can assure you, that if I did not own one farthing of stock, I should be more so, than to think that all I was earning had to go for instalments; and that my creditors, daily or oftener writing me—many of which, I am well aware, I shall have to pay the full amount, with interest. Was not this the case? and feeling that in or before May, some of my creditors might be troublesome, &c. I would keep as much of the stock as I could; but I am confident I shall be happier, and shall be able to devote more of my time to the company's interest, if I am clear of debt and in easy circumstances. After some reflection, I have thought, if you would take all my stock, and give me your acceptances for $11,000—say $5,000 in three months, and $6,000 in six months, you paying the advance and instalments, I must, under circumstances, accept of it. B. I should have been gratified to have you accede to my first proposition, for I think you could do a splendid business by advertising as much of your stock as you wish do dispose of, and selling it for a much higher price by *guarantee*, a fair per cent. or a few years; and I do think, should I get the Goochland place, I shall be the means of putting into your pocket at least $60,000.

A. should I accede to your proposition and only sell 110 shares, and leave to pay the instalments on the whole and the advance, I should not leave me enough to settle with my eastern creditors, and

I am anxious to settle the U. C. If the above proposition suits you, and you will send or hold you acceptance subject to my order, I will sign any conveyance you may wish. B.

Yours in, haste,

W. K. SMITH.

I am detained from going to G. to-day, by a heavy rain. It looks likely to clear. Shall start in the morning.

Q. Q.

Smith to N. Richards, December 10, 1832. Read and submitted, November 28, 1834.

ORANGE MINE, *Dec.* 10, 1832.

(*Post-marked Fredericksburg, Dec.* 12.)

GUSTAVUS W. RICHARDS,
Merchant New York.
NATHANIEL RICHARDS, Esq.

DEAR SIR: Yours of the 6th (H. H. No. 1, page 26; *also P.* 4, *page* 124) is received. Notice what you say respecting Goochland, and likewise, that you could not accede to my proposition relative to the Virginia mine stock. I was in good hopes, after looking over affairs, and knowing my situation, you would have done so. I wrote on the 2d inst. on the same subject, making you another proposition, which, if you have not acceded to, (as I sincerely hope you have) and as I am unhappily situated, as you well know, I must accede to your proposition for you to take the 110 shares at $90 per share, three and six months, without interest, which will be $9,900. I do most sincerely hope the board will be willing to take the remaining shares as collateral security for the amount of assessment, &c. if not, you must deduct the amount, and I will request my brother to sell the remaining forty shares by-and-by, for I do think the stock will go higher.

I have, after spending a very unpleasant time, succeeded in purchasing the Goochland property. I had to contend with four different parties: one offering as high as 14,000, 8,000 cash, and 6,000 after making another cut; but having Col. Bowles and Hodgson in my favor, was enabled to close for rather less than $10,000; I allowed Bowles and Hodgson $2,000 each, or 4,000 sixty days, for the two shares; the rest I gave $1,100, and one share, half of which I have purchased, 650 dollars. I got the parties to give a release, and then took a new lease or deed of sale from Morse directly to N. Richards, all of which has been recorded; and I shall, as soon as possible, send you all the papers, and the new one you will sign and forward for record. I have drawn the following drafts on you at sixty days sight, one for 2,000 in favor of W. D. R. Bowles, or order; one for 2,000

in favor of Joseph Hodgson, or order; one of 1,000 in favor of William Morse, and one for 800 in favor George Fisher, or order; and likewise, one in favor of Howard B. Edwards for 300, which you will please accept. I shall, in the course of a few days; send you an account of the whole cost, which I think will not be over 9,800 dollars. I think there will not be more than one or one and a quarter share retained by Mr. H. and Wyatt. I shall obtain the amount; they are willing to have their share negotiated for, I think, something like $50,000, but I should not be willing to have my third interest sold for less a sum than at the rate of $100,000, and I do think this would be very low to sell it to any company of gents. who wish to make a joint stock company. I think it must prove very valuable, and can be put in operation for a small sum, say 15,000 to 20,000, and perhaps much less. I have ordered a survey of the land, and as soon as it is completed shall send you a copy, drawn by Mr. Hitz, &c. I shall take down with me some of the washings from the vein, and likewise a small box of ore, and as soon as possible will send you more. I do think if some of your Boston or New York friends will take this property at 100,000 dollars it will be a great speculation for them, as there will be no rent, timber, or wood to pay for. The ore is quite soft and falls to pieces. I have some rich washings: there has been as high as 7, 8, and 10 dwt. washed from one quart of the ore, pounded very coarsely in a pan with an old iron bolt. I have several large pieces of gold that has been beaten from the ore. While there we had a tremendous rain, which filed and caved in most of the pits, the rest we have had covered up for the present. I shall likewise send you twenty or thirty dwt. of the gold as a sample of the carat, which is high; they have made as high as 70 dwt. per day with one rocker from the surface; and they inform me that in many places on the side hill they can make from one to two ounces of gold per day, all fine. Old Mr. Hitz will give his services to a company for 1,000 dollars per ann. and be found a house and horse; the house to be built any time during the coming season. I rather frightened Bowles and Hodgson by saying something like 15,000 to 20,000 would be wanting to put the mine in to operation.

I have been thinking the Virginia Mining Company ought to have the Gordon lease; it would increase the value of their property very much, and if they are willing to take it, I will put my third at $10.000, but if you should negotiate it in Boston or New York, I do think it would be cheap at $60,000 for the whole. I will take their draft at four and six months for any third, at the price abovementioned, notwithstanding Moffat's assay; I know the Gordon ore will produce from 6 to 10 dwt. per bushel. I shall send you several specimens from there which I have in my cabinet. I gave you a very splendid one, while at Whitehall, a year ago, and one when I was in New York last. I do hope, as I have made so splendid a speculation for you at Goochland, that you will feel like taking my Virginia mining

442.

stock for $10,000, and pay the amount due, and send me your drafts for 6,000 and 4,000 dollars.

(On the margin) three and six months.

In haste, from yours,

W. K. SMITH.

B. H. Smith is to be married, on the 13th inst. at Judge Brookes's seven miles from Fredericksburg.

R. R.

Smith to Richards, Dec. 29, 1832. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Dec.* 29, 1832.

GUSTAVUS W. RICHARDS, *Merchant, New York*,
NATHANIEL RICHARDS, Esq.

DEAR SIR: Your favors of the 22d, 24th, and 25th instant is received, and note their contents. I am sorry that it is not yet in my power to send you the final settlement of the Goochland purchase. I have not yet seen the gentleman who holds the one-quarter share, but learn that he will come to see me in the course of a few days. With regard to Mr. H. and W. interest, the first understanding was that they were to have one and a half share—when I thought of purchasing the whole, Mr. Wyatt found he should not be able to pay as much as he expected. Mr. H. will enjoy the benefit of that proportion, which after the purchase accounts are made up, amount to $500. I think Mr. Wyatt will wish to retain 1-14th, one-fourteenth part. I expect to see him in a few days, when this will be settled, and a letter from him and Mr. Hitz, relative to the same.

I think our true policy will be, to obtain a charter without delay; and I do think, after you see the ore and specimens, you will think it an easy task, either in New York or Boston, to get a few friends that will be willing to take an interest with you, at the rate of one hundred thousand dollars; if so, I should be willing to sell one-half of my interest, and retain the rest or the whole. Hitz and W. who are in want of the money, would no doubt take at the rate of $50,000. I do not think there would be water enough for any number of rockers, without uniting the two branches, and then it would be limited for a large number. I do think that you can find several gentlemen to join you, and you have done so well with your Virginia Mining Company stock, or can do if you wish, you no doubt would, and I think it would be good policy for you, to retain one-quarter of the Goochland mine; I thought, when I made you the proposition, that you would interest some friend, that you would feel like doing something with the property this winter, while stocks are so fluctuating and high; and I am sure, after you get the specimens, &c. you can get a number of gentlemen to take the property, secure a handsome profit to us, and that they, in the course of one year, can sell for three or four

per cent. Mr. H. and W. nor myself, would not have funds to develope the mines, and I think I could sell out a large portion, if not the whole, if I had it, for a great advance, even in Virginia. As I have frequently stated to you, I feel anxious that you should make and secure a large sum by our exertions, which our Heavenly Father has, in his goodness, been pleased to smile upon; but we must not wish to grasp too much of this world's riches, and thereby neglecting to lay up a treasure in Heaven. When I, for one moment, contemplate God's goodness to me, I am led to exclaim: "Surely goodness and mercy has followed me all the days of my life."

I should have written you ere this, respecting the Gordon lease, &c. but have been waiting to see Mr. Gordon, to get a diagram, &c. I have written a plain statement of facts, which I shall, if possible, copy, and send you to-morrow or next day. I do think this property, as I could look to it, ought to belong to the Virginia Mining Company, and it would cost them but a trifle, as they would only have to purchase the difference between half and two-thirds, for you and Mr. T. and I will sell them my third for $10,000, three and six months, without interest, and if they should wish to get a separate charter, they can do so with ease.

I notice that you say, in yours of the 25th, relative to the profits, &c. of my stock, which, as you observe, is not quite so much as I at one time expected, from what you wrote; but, I sincerely hope, I am grateful, very grateful, for this handsome amount, as it will relieve me from debts, north and south; and, oh, may I never forget the author of every good and perfect gift, and the kindness of my dear friend. I have drawn on you for the following amounts: 1 draft, 24 Dec. for 4,000 dollars, in favor of Joseph Howard; one 835 53, in favor of W. J. Roberts, six months after date; also, one 4,835 53, in favor of W. J. Roberts, three months or ninety days after date, which you will please accept.

Yours, truly,

W. K. SMITH.

S. S.

Smith to Richards, Dec. 31, 1832. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Dec.* 31, 1832.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Agreeable to your request, I now send you a description of the Gordon mine, and my views relative to the prospect for mining. The mine is situated eighteen miles from Fredericksburg, in a westerly direction, and three miles from the Wilderness Tavern, and the same distance from the turnpike, and bounds on the main road, leading from the turnpike to Germany Ford, and is two and a half miles from said ford, and, in an easterly direction, about one to

one and a half of the Rapidann river. The formation, like most of the gold region, are the different slates, passing into the green stone, &c. The premises or mine, (which is held under a lease of 40 years, from June last, to which I refer you,) contains six hundred and seventy-two acres, more or less. There are five or six distinct veins passing through the premises, in a N. N. east and S. S. west direction, several of which are from two to four feet in width. There has been two shafts sunk at the depths of 40 feet, each on different veins, one 7 by 11, and the other 7 by four and a half feet, in both of which, veins have been cut, which yield very rich ore; in the small shaft, the vein, (which is nearly or quite vertical,) is increasing in width; at the depth of 40 feet it was 18 inches. There is a large vein near the small shaft, which has never been proved, but large quantities of the finest specimens are here found on the surface, some of which, as well as some of the ore from the vein at the depth of forty feet, I have forwarded you. I have made several trials with the ore, which has produced from 4 to 10 dwt. per 100 lbs; some of the specimens are very splendid, and the gold is visible in a large proportion of the rock on the surface.

There is several high hills which are well situated for tunnels, which will cut several veins at right angles, which I think can be drove at a small expense. The distance, in one of the hills, would not exceed 150 feet; in second, from two to three hundred feet; the cutting of these tunnels would cost from one to two dollars per foot, the size required. To develope this mine at several points, and to the depth of 80 to 100 feet, it would require an expenditure of from three to five thousand dollars: for building of several cabins, erecting one or two whims to keep the water under, and to raise the rubbish from below the odit levels.

Flat run creek passes through the plantation, and there are two good sites for mills, at one of which there was formerly a grist mill. At these two points dams could be built at a very small expense, as the distance at one point is not to exceed 100 feet, and the materials are at hand on the spot.

The whole establishment could be put into operation, in the course of 8 to 12 months, and the cost, including engines, mills, buildings, &c. and have a large stock of ore on hand, would not exceed 20,000 to 25,000 dollars. This location has a very flattering prospect for alluvial or surface gold; some of the surface rock is very rich in gold.

In point of location and prospects for gold, the Gordon mine is not surpassed by any in this section of country, and it has a marked and decided superiority over the mines of North Carolina, and I do think it would be a better property to any company, as it is, than many of the North Carolina mines, with all their outlay and improvements. The number of hands, to commence operations, would be small, say eight to ten, and the number increased as the developement progressed. Timber is very abundant, and wood can be purchased at from 1 to $1 25 cts. per cord; provisions are low, and there are

several saw and grist mills within from 1 1-2 (torn off) iles of the mine.

I am, with respect, &c.

W. K. SMITH.

I shall forward the plot in the course of a few days.

T. T.

Smith to N. Richards, Jan. 7, 1833. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Jan.* 7, 1833.

GUSTAVUS W. RICHARDS, Esq. *Merchant, New York,*
NATHANIEL RICHARDS, Esq.

DEAR SIR: I had this pleasure several days since, since which I have received two of your favors, as C. S. which I shall answer to day. Yesterday I received the plot of the Goochland property, which proves to be 456 acres, overrunning 80 acres for the old survey. Col. Bowles informs me, that the surveyor was a careful and good surveyor, and that he attended to the survey himself; they had laid down the veins, &c. I shall have it handsomely copied and forwarded to you in the couse af a few days. The specimens, &c. Mr. Watchman took on with him, promising to send them on without delay, and you, without doubt, have received them before this. The box of Gordon ore was sent to New York by the brig Superior, who brought the monument from New York, and directed to you. Desiring to be remembered to all,

I remain yours truly,

W. K. SMITH.

There is near 4000 feet on the vein.

U. U.

Smith to Bichards, Jan. 10, 1833. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Jan.* 10, 1833.

GUSTAVUS W. RICHARDS, Esq. *Merchant, New York.*
NATHANIEL RICHARDS.

MY DEAR SIR: I am in receipt of your favor of the 2d, inst. which was handed me by your son who arrived here on the evening of the 8th inst. in good health, and be assured, my dear sir, we are all happy to see him and learn of the welfare of all our dear New York friends, and allow me to express my sincere thanks for your kind wishes for my happiness and prosperity, and for your very handsome present which I received from you by your son. Upson spent the day with me yesterday in examining the surface works and the pre-

444.

aises here, and to-day, as a storm appeared to be gathering, and rowing very cold, we thought it advisable to visit the Gordon property, for fear we should have snow. We accordingly took Mr. Hitz along with us. Upson appears much pleased, and Mr. Hitz expressed himself as highly gratified, and surprised at the quantity of rich ore which we find on the surface and of the number of veins, and the fine location. We collected a number of fine specimens, and I do think that four out of five of the rocks that we picked up in walking over the surface show the gold, and we discovered gold in the white rock in the branch in the woods. Mr. G. has promised me the plot, in the course of a day or two.

To-morrow we contemplate visiting the lower regions, and then you may expect to hear from your son, who desires me to give his love to you all, he has retired after riding his fourteen miles on horseback. Should he visit Goochland he would not be able to see any thing to interest him, as it is all woods, and the pits I had filled up. I am in good hopes in the course of a very few days to be able to send you the plot of Goochland and the whole account, &c.

I do think if you intend to do any thing with either of these properties, Gordons or Goochland, you had better obtain a charter this season, and then it will be ready in case we should want them during the coming year.

In haste, from

Yours, truly,

W. K. SMITH.

I find I have but a half sheet of paper.

V. V.

Smith to N. Richards, Jan. 14, 1833. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Jan.* 14, 1833.

GUSTAVUS W. RICHARDS, Esq. *Merchant, New York.*
NATHANIEL RICHARDS, Esq.

DEAR SIR: Your esteemed favor of the 9th inst. is received; was pleased to learn that the specimens of ore had arrived in safety, and that they were satisfactory. The ore from Goochland which was sent you was not near as rich as I have seen from there. It was taken from the pit, after it had caved in, consequently there was a good portion of poor stuff with it. Was gratified to learn the gold was so high a carrot. It was simply melted by Mr. White of Fredericksburg. I thought it the richest gold I had ever seen.

I am happy to state that the whole of the Goochland mine is purchased, the last quarter was hard to get, but all is now at rest on that head. Mr. Wyatt would have been to see me ere this, but I learn he is unwell; expects to see me in a day or to, when I shall settle that part of the business.

I have told Mr. H. and wrote Wyatt that you mentioned something

about working it this (although they both think it of great value, and Mr. Hitz's both think there is no mistake about its value, yet neither W. nor H. has any thing to advance, for I am obliged to advance Mr. H. money for his family,) I think may induce one or both to sell out, and I should not be surprized, if I should be able, under existing circumstances, to purchase them out on moderate terms, if so when we all meet I shall do so on my own responsibility, so as to have the entire control ourselves. I notice your remarks relative to the Gordon property, and would observe, that my last visit to that place, and the high opinion Mr. Hitz entertains of it, has rather increased its value in my estimation, and would say, if the gentlemen of the Virginia Mining Company has or does not accede to my offer when you first make it, I do not wish to consider myself bound as I do think you can do better with it in Boston, there I have not the least doubt, you will be able to negotiate it, for from 90 to $100,000. I have felt anxious that the Virginia Mining Company, should own that property, but I do not wish, nor do I advise you to push it upon then.

I notice your remarks respecting Mr. Hitz, and have had several conversations with him and his son on the subject, but he thinks his services worth $1,000, the company to find him his horse, I think we may get over finding him a house at least for the present. You mention the price that you give Mr. Beazley 600. Mr. Beazley is a good and capable person in the station he fills, but you cannot for one moment compare their services, in regular mining operations, the old gentleman is active, hard working, and as a practical man, I think superior to his son, neither of them is at present capable of doing business among sharpers, as they do not understand the language well enough. I think you are led into an error in estimating the worth of the services of persons capable of conducting mines from the small sum which I receive from the Virginia Mining Company, which never could maintain me here if I had not other property to go to, the Chaville had from 3 to 4,000, and Mr. Kelir 2,000, and be assured, my dear sir, it is noenviable situation, and any person who has the charge of a mining establishment ought to make something besides a living out of it.

Mr. Hitz will soon complete the plot of Goochland, and I am in hopes soon, very soon to receive the plot of the Gordon property, when I will write you fully on the subject of Goochland giving you every information in my power, and get Mr. Hitz and his father to concur in the statement, the length of vein by survey is 240 (I have not the survey before me) I think 240 some odd, but 240 poles and 16 1-2 feet to the pole would be 3,960 feet.

I am going to town in the morning with Mrs. Smith who goes there for the purpose of having an operation performed on the back by cupping; on my return I shall again write you and as agent.

Yours, in haste.

W. K. SMITH.

P. S.—We have drove through with our levels and can now go from the king to the letcher shaft and we shall in future lead all our

444.

water through the level to engine shaft.* We are making a large box pump for king shaft; the small ore cannot keep the water down, all the frames are on the ground and the weather has been so cold for laying brick, I am building the foundation of stone; shall raise in a few days.

W. K. SMITH.
Agent Virginia Mining Company.

W. W.

Smith to Richards, Jan. 21, 1833. Submitted Nov. 28, 1834.

ORANGE MINES, *Jan.* 21, 1833.

NATHANIEL RICHARDS, Esq. *New York:*

DEAR SIR: Agreeable to my promise, I will now endeavor to give you an account and my views of the Goochland mine, which is situated in Goochland county, near the Fluvanna line. The tract, by a recent survey, contains 456 acres, and there is upwards of 4,000 feet on the course of the vein, as will be seen by referring to the plot. The mine is situated thirteen miles from Columbia, twenty-three miles from Goochland Court House, fifty miles from Richmond, about the same distance from Fredericksburg, and forty miles from the Orange mines. There is water carriage from Richmond to within twelve miles of the mine. The premises are well covered with oak and pine timber. Peters's creek, and a small branch of water passes through the premises: on the former, there was formerly a saw-mill. For the conditions under which this mine is held, I would refer you to the deed of sale, &c. The veins in which the gold is found run, or the course is, N. E. and S. W. varying to N. N. E. and S. S. W. or running nearly parallel with the Blue Ridge mountains. The gold ore is found in the talco and rich colored mica slates, quite soft or decomposed. There has been upwards of one hundred feet on the veins developed, which proves to be very rich indeed; much richer than any thing yet discovered in the United States, and the quality of the gold surpasses any hereunto discovered in any country: by assay, it proves to be $23\frac{2}{3}\frac{1}{2}$ carrots fine. The location is very favorable for mining operations, and the surface is rich in gold. As far as the mine has been developed, it presents the most flattering prospects, as the formation in which the ore is found is quite wide. A distance in one place of 12 feet has been cut, and the veins are disseminated throughout the whole formation, in threads of from two to six inches wide, and in many have several concentrated together. At another point it has been found to be several feet wider; and from what has already been developed, I cannot but think it of great value, and much easier worked than any other mine I have visited; and the ore will require but little power to reduce it.

In order to further develope this mine and the establishment into full operation, it will require a capital of from $15,000 to $20,000 at

* Instead of raising it to the surface by the small pumps.

the farthest, which would include the cost of cabins for workmen, engine of twelve horse power, whims, and six stamp heads, &c. which, should the ore continue as rich as it is at present, would be sufficient power to reduce ore enough to yield a very large per centum on a large capital; for there is ore from this mine that will without doubt give several hundred dwts. of gold to the 100lbs. The pumping, or engine for raising water, could be so located, and would be of sufficient power to raise the water and to carry six stamp heads for the first year or eighteen months, when a second engine would be wanted, the power of which could at that time be better ascertained.

The number of hands to be employed about the mine would entirely depend upon the scale on which the mine was to be carried on, and the quantity of ore you wished to raise, after the shafts were sunk, say three in number. A very few hands would be able to raise sufficient ore to yield a great profit, should the veins continue as they now appear; and should they improve, the result must be most splendid.

I think the Goochland mine could be got into full operation in the course of six to eight months from the commencement, should the work be done with energy, and very favorable results might be expected. The location, formation, and the many other advantages that this place has over most other mines, are such as to induce me to think that it can be got into operation in a much shorter time than is usually required.

There is several saw and grist mills within from three to five miles of the mines. I herewith send you the plot, as copied from the original survey, &c.

Yours, truly,

W. K. SMITH.

X. X.

Smith to N. Richards, January 21, 1833, 2d of of this date. Read and submitted to the board, 28th November, 1834.

ORANGE MINE, *January* 21, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: By this package, I am in good hopes to be able to send you the plot of Goochland mine, and my views on the same, as likewise the whole cost of the mine, and account current, &c. &c. showing a balance in my favor of . Should I pay the draft of $300, should it be presented to me, (which I expect it will,) I shall pay the same, and then draw on you for the whole balance. It will stand as it is for the present. I find, as Mr. Hitz has run the lines, he makes more on the course of the veins than the surveyor, and the course of the veins a little different. It no doubt arises from his not allowing the variation of the compass, &c. I find, by the Gordon plot, that there is an enormous extent of veins running through

443.

the plantation. I notice your remarks, in yours of the 9th instant, relative the Goochland and Gordon mines, and must say that I cannot coincide with you, for several reasons. One of the greatest is, that I do know that there will be many more mines in the market in the spring for Virginia. Mr. Williams informs me, that he had written to you relative to Grindstone Hill, &c. There is also a Mr. Mourning Smith's place, in Stafford, that will be in the market; and Major Richards, of Stafford, has discovered a valuable mine; and they have already commenced on Barnett's mine; and, without doubt, there will be many in market from N. C. and Georgia, all of which will have a tendency to reduce the value of mining stock, when they find they are so plenty. Mr. Austin has several leases, &c. which he is now, in Philadelphia or New York, endeavoring to do something with; and I do think it will be for your and my interest to do something, if possible, with our mining property, without delay.

The interest Mr. Hitz is to have is settled at $500; and Mr. W. sent me a message, that I must do as I thought proper, relative to his share. Should you see your way clear to do any thing with this property, I have no doubt that I shall be able to purchase them out, as they are now under the impression that we shall proceed to work it ourselves, and neither has a farthing to spend; and as I have had to beat the bush, if they each make 1,000 or 1,500 dollars clear, they will do a fine business, better than they have for some time. I do think any men of capital would take a part of that mine for $100,000 without delay, if you offer it; and as we shall have the whole at a cost something less, or about, $12,000, we shall do well; and I have no doubt that the stock in the Goochland concern would go higher than even it has in the Virginia Mining Company. R —— is driving towards the steam shaft; the vein appears quite broken; but Letcher, and I do myself, think, that it will concentrate near below. The vein, when it enters the hard formation, will be of a decided character. We frequently find coarse pieces of gold on the quartz ore. All things move on here as usual. In haste, from

Yours, truly,

W. K. SMITH.

We can at any time purchase the land for a small sum, if we see that we can negotiate it to an advantage.

Y. Y.

Smith to Richards, January 30, 1833. Read and submitted, November 28, 1834.

ORANGE MINE, *January 30th*, 1833.

GUSTAVUS W. RICHARDS, Esq. *Merchant, New York.*
NATHANIEL RICHARDS, Esq.

DEAR SIR: Your favors of the 19th and 21st instant, was duly re-

ceived, and I should have acknowledged the receipt of them ere this, but have been waiting to hear from you in relation to the Gordon property. To-day I am in receipt of yours of the 25th instant, enclosing memorial and bill to incorporate the Gordon gold mining, &c. which meets my views. I have thought best to erase the word gold, and fill the blank of acres with 2,000, and the blank of years with thirty; and as my brother is rather in delicate health, and thinking a short trip would be beneficial to him, and knowing no one would be so likely to feel interested, I have concluded to send him. He leaves for Richmond in the morning, and as he is well acquainted with Gen. Dade, (the member from Orange, that was so interested for us last year,) and many of the other members. I fear we may be too late. I was pleased to learn the Virginia Mining Company have refused to take the property, for I am well aware, and confident, that the stock will all be taken up, and I am desirous to retain some of the stock, say 5,000, in my brother's name, if you think best. I have engaged Mr. Hitz to go to Goochland, or to Gordon's, for 1,000 per annum, and to have his horse found; and I do not think the young man feels satisfied even with that; but, under existing circumstances, I think he ought to be well satisfied. I worked for nothing, and found myself, for two years in Virginia. I can obtain a young gentleman, Mr. Trego, who you have heard me speak of, for, I think, $500, and to put an English under ground captain with him, he would do well, with some little advice, for Gordon or Goochland. I have two fine capable men, two of Captain Letcher's brothers, Messrs. Reads; one of them is a very pious man, and both are steady and sober men; and as Mr. Hitz does not understand English well, he will require one that can write English, &c. which either the Mr. Reads can do; and as Mr. Hitz is anxious to have his wages commence, if we should commence at Gordon's first I think it will be well to send him there. I have conversed with Mr. Gordon, the builder, about shetters, &c. he will put them and all buildings up cheaper at Gordon's than he will here, on account of its being near his saw mill, &c. I have thought best to insert my brother's name in the bill, and by way of stimulant, have told him, that if he gets the bill through, or leaves it in a train so that it passes this year, I will give him 500 dollars of the stock from my interest. I shall give him a letter to Mr. F. James, &c.

I notice your remarks, in yours of the 19th, respecting my per centum, &c. which you will recollect is one per cent. on the nett profits. Now, my dear sir, if the mines give an interest this year on one million of dollars for the six or eight months, it will give me 500 or 600 dollars; if an interest on 500,000, but half that sum. I do not write this because I wish to press the company to give me an increase of salary, but you, and I believe the rest of the company, think I am doing great things for myself, by holding my present situation; but this is not the case, and I am well assured that it must this year cost me more than I shall realize from the mines. My little daughter's board and schooling will cost 175 to 200 dollars, and we must necessarily entertain a great number of strangers. I therefore leave

this subject as it is, not doubting that the board will do what is right in the case. I have not time to say more.

Yours, truly,

W. K. SMITH.

Please excuse this miserable scrawl, for my head is full of buildings, &c. &c.

It will be best not to present this petition, but for the member, G. Dade, to ask leave to bring in the bill, and have it referred to select committee, much time will be saved.

W. K. SMITH.

Z. Z.

Smith to N. Richards, January 31, 1833. Read and submitted November 24, 1834.

ORANGE MINE, *January* 31, 1833.

GUSTAVUS W. RICHARDS, *Merchant, New York.*
NATHANIEL RICHARDS, Esq.

DEAR SIR: I had this pleasure yesterday and this morning received your two esteemed favors of the 26th instant. Notice your remarks relative to the cabin, &c. I found the same fault with the draft, but thought it a matter of no consequence. Notice your remarks relating to mining stocks, &c. &c. which may prove correct. You wish me, if possible, to reduce and amalgnmate five bushels of the ore, &c. &c. I have no possible way of doing so; the stamps, &c. have never arrived from New York; one of the amalgamating mills, and all the geer to it, is in Baltimore; we have no quicksilver, and if we had, we have no retort. I am doing all that lays in my power to have the ore reduced, on a large scale, as soon as possible; but I fear, in fact I know, if the board, or any of them, thinks or expects any thing like the results made by the assays in New York, they will be most certainly disappointed. That the mine will be productive, and yield a large quantity of ore, no one will doubt that knows any thing about it; and that it will pay a great per centum on the capital invested, I think there is little or no doubt; and that it will pay six per cent. on $500,000, I cannot doubt, and sincerely hope and trust it may on $1,000,000; but that trial is yet to be made. Should the vein prove regular and good, on opening the present contemplated level, the value of the mine will be fixed, (at any rate for a number of years.) All looks well here, and I do assure you, although we have had some very unfavorable weather, all things move on briskly. We have had so much rain lately, the yard is half leg deep in mud, and the roads are dreadful, to haul so much timber and lumber over as we require, but all is under contract, and consequently must be done. I notice what you say, relative to other mines coming into the market, and agree with you, that it requires persons acquainted,

and that capitalists can put confidence in, but may not some of those persons I mentioned find some friends. I feel myself quite easy about G——d, for I believe it will prove the Genys Soco of North America, for I think it resembles the formation described of that mine; the vein where they formed the most of the gold was in ore, about three to four inches wide, and the formation soft. I still think, after you get through with the Gordon place, you can get a good price for Goochland. I should be willing to sell a part of mine at a good round price. I yesterday wrote you that I would reserve $5,000, or five per cent. of the Gordon stock. It has struck me since, as the Virginia Mining Company did not take it, that if they know it, they may think I shall neglect their interest by holding stock in it; I leave this with you. I should, if possible, like to retain at least $3,000, and it may be held in my brother Howard's name, with this understanding, that he is at liberty to sell out, at any time after the charter is obtained; for I am confident that the stock, before six months, will rise to the $500,000, for there the gold is found in all substances in the vein, as pyrites, oxide of iron, and quartz; and in the pure white quartz, gold is very abundant.

I had a long conversation with Mr. Hitz, by which I found his father (on account of his family living only about four miles from Gordon's) and as he had to find his house, &c. felt much disposed to go to Gordon's, and on the whole I think it would be best, and should the company be made up, it will be well to pay him about $80 for his horse, and let his wages commence on say (half pay) from 10th February until we commence operations. I am confident that the young man, Mr. Trego, with an underground captain, will do for Goochland for the present, at least, but this I do not let them (Hitz and Wyatt) know, for I am now on the eve of a negotiation with them, who, from the tone of one of your letters, are inclined to think, and from what I have told them,* working it ourselves, and talking with Mr. Gordon about buildings in their presence, engine, &c. and engaging Mr. Hitz at $1,000, makes them think that money must be forthcoming. Mr. Hitz and Wyatt are very anxious to hold on, but neither have a farthing, and both much in debt, and I give them to understand that money will be wanted if we carry it on, and that I will not purchase a part unless I can get the whole, and I do think I shall be able to close with them as follows, Mr. Wyatt $1,500 or 1,550, of which he has paid $550, and Mr. Hitz $1,000, sixty days or four months, which will make the Goochland mine stand us in about $10,600, or say $11,700, which will be, I must think, a very cheap property, and should you know of a monied friend, after you have settled the Gordon negotiation, that you should like to let into the secret, I should be willing to sell a small corner, but not more than one-quarter or one-half of my interest.

I have not received any letter from the gentlemen in New York, and I shall not be willing to take any thing less than the $100,000, since they refused the offer I made them; I knew at the time I was

* Here the following words "from what you wrote me about," stand in regular connexion with the sentence, but the stroke of a pen has been passed through them.

offering them the property for a song, compared to what they could get for it or its value.

I intended to have asked you several questions relative to the regulations of the savings bank; many of our men are desirous to make deposites, and I have said all I could to encourage them; please send me the regulations, &c. of the bank, and inform me how much interest they could receive, &c. &c. Charles Matthews made a deposite of $150 with me yesterday, and seven others ar desirous of doing so. Will you be so good as to make a deposite of $150 for Matthews, the money will be used here for the company, &c.

Will it not be best to write to Mr. Trego, and engage him to come on here, it will be an excellent school for him, now we are putting up the stamps, and he will see how things go on here. Should we have to pay him for a month or two before he goes either to Gordon's or Goochland, it will be money, I think, well laid out.

Yours, truly,

W. K. SMITH.

N. B. I would copy this miserable scrawl, but have not time.

A. 3.

Smith to N. Richards, Feb. 4, 1833. Submitted, Nov. 28, 1834.

ORANGE MINE, *Feb.* 4, 1833.

GUSTAVUS W. RICHARDS, Esq.
Merchant, New York.
NATHANIEL RICHARDS, Esq.

MY DEAR SIR: Yours of the 28 and 31 ulto. is received, notice your remarks relative to the filling the blanks, &c. I had filled the blank year with thirty, as many as the legislature will be willing to grant; I have not as yet heard of my brother's arrival in Richmond; expect to hear in the morning. Notice your several remarks respecting the Gordon lease, in yours of the 31st, which had I got before, I should not have despatched my brother, for the purpose of obtaining a charter, which from your letter, I do not think we shall want. I think (ironically speaking) the gentlemen's offer you mention, a very generous one; should we develope the mine and find several veins of magnitude, and rich in gold, &c. and that would be very profitable, we should not thank them for their generous offer. I suppose, if we should get the mine into full opesation, and show by actual results, that it would give a great per centum, on half, or one million of dollars, and guarantee to them it should be as safe as a loan to the State or city, they would be willing to take 10 or $20,000 of the stock, at the rate of $100,000 for the whole. Should this be the case, I can find a plenty this side of the Potomac, that would like to take a small part of the stock; all I can say on the subject is, that the gentlemen you mention, do not wish to become gold miners, and wish to have their penny covered with a shilling. I do not wish to be too sanguine, but if there

is not rich veins at Gordon, and sufficient magnitude to do a good, yes, a great business. I shall be very much deceived; in fact we should not require to get more than 500 bushels per day, of such ore as I have seen come from there, to do a saving business, and we have this to console us, that the mine there has cost us but little, and if we do not spend much in developement, we shall loose but little, and the lease will not trouble us after June. I wrote you in my last, that I was willing to retain five pr. cent. of the stock or three pr. cent. just as you should think proper, and will hold it until the mine is in full operation. My time I cannot give otherwise than advising with your or their agent, that they may have there, and in making any contracts for building, &c.; this I should be willing to do, provided I should be paid well for it, for I do assure you, I am at this time about as much of a slave as I wish to be. The last proposition you mention, I should not be willing to accede to at all, for long before the mine could be got into full operation, the prospects might be so brilliant that the generous gentlemen might sell their stock at a great profit. If they are not willing to risk $100,000, including the developement with the prospects which are presented at Gordon's, they do not wish to become gold miners, and my only wish to sell all out was because I had no stock in the Virginia mining company; and I did not wish, nor do I wish, if possible, to have any thing that would draw my attention from here; but to show the gentlemen that I have the utmost confidence in the mine, I am even willing to retain ten pr. cent. I shall leave this business wholly with you, feeling quite easy on the subject, and assured that you wilt do what will be for our mutual interest.

Before I received yours of the 31st, I had gone too far with Mr. Hitz to retrace my steps, and I have engaged him and signed the agreement for you and myself to pay him $1,000 per annum, and to find his horse, &c. and his half wages to commence on the 15th inst. I had also gone too far in negotiating with Hitz and Wyatt to go back. I found Wyatt was disposed to claim 1-14, &c. and in order to settle the whole affair, I closed with him and took a full release, and also with Mr. Hitz. I gave Wyatt a draft on you at four months for $1,500, and Hitz one at four months for $1,000, and we have now the whole thing to ourselves. And although mining stocks are low, I think we have a good bargain. In your next, please write me whether you know any one that would like to take a part of my interest in this mine, as I wish to write a friend on the subject. As it is quite late I must close.

Yours, truly,

W. K. SMITH.

Wyatt's draft - -	1,500	4 months.
Hitz's - - -	1,000	
	2,500—or 2,450, cash.	

Mr. Williams has been with me, we have served the notice on Tinder and shall take the depositions on the 15th, at George Grasty's house.

445.

B. 3.

Smith to N. Richards, Feb. 19, 1833. Submitted, Nov. 28, 1834.

ORANGE MINE, *Feb.* 19, 1833.

GUSTAVUS W. RICHARDS, Esq.
New York.
NATHANIEL RICHARDS, Esq.

DEAR SIR: Your esteemed favor of the 16th instant, is received. Notice your remarks relative to the Gordon mine, stocks, &c. and likewise the Goochland mine; I have heard nothing relative to the lease, though presume it is safe in the clerk's office. With regard to the sale of that property, I am by no means anxious to sell. I had thought, and still should like to sell enough to pay for the purchase and its developement, but if I can't I must be patient. The Goochland mine can never be worked with any thing like rockers, without great loss, for there is a large quantity of fine, very fine gold in the ore, that would be all lost. I think the mine could be worked by a small number of hands at first, and if required to work on a small scale, three, six or nine stamps could be put up, and add to them as we saw occasion; all this, and the scale of operations, I must leave with you; but, as there is no hope of doing any thing (as you observe) with the Gordon mine, I do not think it would be prudent to hire Mr. Trego to to G——d, but in case of working it, we should have to put two log cabins, or frame building, which would come near or quite as cheap, and to sink one or two shafts, &c. I think the water would be quick and require whims or pumps to keep it down, for at the depth of twelve feet we had a plenty of water, and we cannot see any thing until new shafts are opened, for I had the old ones filled up, as they had never been curbed and were caving in. As the roads will be in bad order for travelling and the days short, I think the last of March or the first of April, is as soon as we shall be able to do any thing at Goochland; before that time, I will, if possible, give you my views relative to the most prudent and best method of working the same.

You will find, on referring to my account current, that there is a balance due me of $347 02, including the 300 paid to Howard B. Edwards, which was at that time outstanding, or unpaid, the amount being a draft which I drew on you in his favor, in payment or in part payment for his half share $650, and the other 350 I paid him in cash at the time. Consequently, you are indebted to me but the $347 02, and not 650, as you supposed. The amount $347, you will please deposite in trust for E. H. Smith.

The draft was drawn in favor of William Moss, for $1,000, dated 7th Dec. I presume he has not wanted his money, and thinking he could get his money at any time that he presented it to the bank, and knowing but little of business transactions, he has neglected to send it on for acceptance. Be assured, my dear sir, I am more careful in

drawing my drafts on you as T. Virginia mining company, than to make the mistake you conjectured—the draft will appear before long. With regard to the Gordon lease, would observe that I drew the original, and that I endeavored to have it plain as possible, and it was understood that we were to erect the first cabins, pumping engine, of say ten or twelve horse power, (I have not the lease before me) but Mr. Gordon was led to ask these conditions for what he saw at Grasty's, which was eight cabins, steam engine twelve horse power, &c. but the number of cabins, power of engine, number of stamps must depend on what scale the establishment is started, and if we increase the number of cabins, engines, stamps, &c. the expense is to be borne by the company (Gordon included) or the expense of them, as likewise all the mining expense, &c. &c. are to be deducted before Gordon receives any rent or per centum; we of course, have the right to remove all machinery, &c. if the mine does not prove profitable, as the new lease was to enjoy all the privileges of the old, and the old one expresses that we have the right to remove all macinery, &c. &c. I will endeavor to see Mr. Gordon, and get a writing setting forth the rights of the parties, in a plain and simple manner.

My brother returned from Richmond on Saturday, the bill is in progress, and will without doubt pass in some shape, or other, they have saddled the coal bill with a rider, that the personal property of the stockholders shall be liable for the debts of the company, in which shape it passed the lower House. It is supposed, however, that the Senate will reject or amend the rider, in order to do away with the liability. There is a large number of warm friends for the bill who have and will do all they can for it, and I have instructed General Dade, who has the charge of the bill, to do all he can to oppose the rider; but if all will not do, to accept the bill and trust to the Senate, or the next Legislature, to amend the same ; by way of stimulant. * Benjamin made General Dade a present of a gold pencil-case and left him $5 for the clerk to copy the bill should it pass. As it is quite late and you no doubt will think this miserable scrawl is quite long enough.

Your double letter which I received to-day is charged fifty cents. I think the clerk deserves a severe reprimand.

I remain yours, truly, W. K. SMITH.

C. 3.

Smith to Richards, Mar. 20, 1833. Read and submitted, Nov. 28, 1834.

ORANGE MINE, *Mar.* 20, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR : Your favor containing the documents, &c. was received and the depositions have all been taken, and mine among the rest. Mr. W. thought mine would be important, and would be good, as I

was not at the time I first visited the mines in 1829, nor at this time, interested, or owned any of the property, &c. I notice by yours of the 11th that you have had an offer of $7,500, three and six months from Mr. Wilder for one quarter of the Gordon lease, and that you asked him $12,500, and was in hopes to get 10,000, I have little or no doubt you will do better in Boston, and if Wilder was interested, I have no doubt it would help the negotiations, and you know I think a bird in the hand worth two in the bush, and I, therefore, think that if Mr. Wilder will retain his quarter: thereby will have but 3-4 to find a market for. I should like to retain five per cent. or at the rate of five in the hundred, and I do think if we can make as good business by selling out any interest we have, or get one hundred on what cost us three, or you and Mr. Taylor can get 60,000 for what you gave two for, you will do well to do so, retaining a small interest say five per cent. or ten per cent. for be assured, my dear sir, I know of something in store, which I cannot mention now, that would please you. I had a letter from brother Howard, who informs me that he will require $700 more to settle with my eastern creditors, and with what I owe in New York, will amount to $1,000. I should like to get this from the Gordon lease if possible, and although I should like to enjoy the benefit of the advance in Boston, rather than not have Mr. Wilder's influence, for the balance. I am willing that he should have one-eighth of the whole from my third at the rate of $40,000 for the lease, provided he will say two and six months, as I can find no way to get off from paying my southern creditors the full amount, and the two months' draft I can get discounted. I mention this, thinking that you and Mr. Taylor, perhaps, do not feel like letting so much of yours go until you have been to Boston, but I would advise your going without delay—you are fully authorized to do as you think proper with my interest.

You ask if there is any preparation for mining, &c. The Greenwood Company, it is said, have partners in Philadelphia; they have purchased another tract of land, called the Mining Tract, near Greenwood; there has been an agent for a Baltimore company on, and report says he has offered $25,000 for Smith's mine, containing 100 acres of poor land; the gold is found in the white quartz. There is likewise a company in which a Col. Hill, of Albany, is concerned; he was here a few days since, to get information about erecting stamps; he or the company is to operate on Major Richards's place; the ore is said to be very rich. The Hampstead mine has changed hands, and to day I learn, from my brother who has returned from town yesterday, that Whyett and others, with a Mr. Ellis, a wealthy mechanic in Fredericksburg, has concluded a bargain with the Mr. Smiths, for the mine in Stafford, for $20,000, with certain condition; this is the one I mentioned sometime since.

I have been so much engaged, I have not as yet written to Trego, but will do so to-morrow. I will write Col. Bowles, relative to cabins, &c. Captain Smith has written to Pottsville for more miners, and he will write to Cornwall, England. My brother informs me, that the day before he arrived in town, Moss was there with his draft;

did not learn whether he obtained the cash for it. Should we sell the Gordon lease well, we shall feel more like engaging at Goochland. I would write more, but it has been deposition taking day, and it is now quite late. The two Mr. Beazleys are with me, and are in bed. Mr. B. will commence work on Monday if the weather is good. It rains very hard.

Yours, truly,

W. K. SMITH.

(Written with a pencil.)

Please inform me whether Mr. Bingham is the gentleman that you thought would come on with Upson, and what interest has he in the company.

I was in hopes if the company did not raise my salary, they would my brother's; his time is now wholly devoted to the company, and he has a great deal of writing; I do hope you will mention it to the board.

D. 3.

Smith to Richards, May 4, 1833. Submitted Nov. 28, 1834.

ORANGE MINE, *May* 4, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Since I wrote you last, we have had the pleasure of receiving a visit from Messrs. W. C. Green and W. Huntingdon, of Norwich, Connecticut, on their way to North Carolina. They spent the day and night with us; we were all much pleased. Mr. Green visited the mine with me, and I took much pleasure in showing him the premises, &c. and they expressed themselves much gratified at the management and the prospects; indeed they apppeared delighted. I gave them many specimens, and made a trial of some of the ore, in which a particle of gold was not visible, and the result was truly brilliant; they observed that the mystery was solved to them why the company was not willing to sell the stock, but observed, that they supposed, it would be impossible to purchase one share of the stock, for all the directors was on their high horse, &c. I think their visit will be very beneficial to the concern. We have likewise had a visit from a Mr. Dickson, the gentleman you wrote to me about some one or two years since. He appeared and expressed himself more delighted than any one, I think, that has ever visited the mine; he is anxious to have some mine or deposite mine. I was much pleased with Dixon, but learned from him that he had not been engaged in mining in Mexico, but went thither for the purpose of erecting a mint for the Mexican Government. Poor fellow! he has many sad wounds to remember that country by, which he showed me. He will visit Whitehall, &c. and I expect he will return here again in the course of the week; he thinks he can induce capitalists to embark in the mining business from England. Dr. Moore is interested with him,

the president of the mint, &c. I think I mentioned in my last that Mr. Kielen had been here. Mr. Trego and Col. Bowles think it best for me to come to Goochland, as soon as possible. The deeds of trust are at the court house, assigned to Clark, but think I can do or make some arrangements with Moss, &c. but I cannot leave here yet. We got our steam up this afternoon, and I shall have to settle with Watchman; and did I not expect your brothers I would go on Monday. I thought you would write me, as soon as you returned, when they would come on. Mr. Beazley was with us yesterday; he brought with him one piece of gold weighing 40 odd dwt. and several other good lumps. He informs me that he has collected over 800 dwt. this month, and one day, over 200 dwt. I hope he will do well. Now, I do think, is the time to sell stock, and I hope you will improve the opportunity, &c. I think Mr. Huntingdon and Mr. Green would join some of your other friends at Goochland. I think if we could get a company formed there, and put a small engine, and one crushing mill of my improvement, and two or three sets of amalgamators, we could do a great business before fall; but I do not like to hazard too much myself, neither do I wish you, but I do most confidently believe a tremendous business could be done at Goochland. We are getting along with our work as fast as possible, but I fear it will be the last of May or first of June, before we shall get to work.

Remember me kindly to all, and believe me

Truly, yours,

W. K. SMITH.

Mr. Dixon brought letters, and so did Mr. G. and H. the latter from our mutual friend Mr. Rockwell. Dixon informed me that he had visited the mines in Mexico, while Ward and the Chevalier were there, &c. but observed he never had visited any establishment that was so compact and so well arranged, &c. where the prospects and all appearances were so flattering.

E. 3.

Smith to N. Richards, May 14, 1833. Read and laid before the board, Nov. 28, 1834.

ORANGE MINE, *May* 1833.

NATHANIEL RICHARDS, Esq.
New York.

Your favors of the 8th and 9th instant are received. Notice your remarks relative to your Mr. Hottingun, &c. He, as I observed in my last, arrived here during my absence, and remained here not to exceed three quarters of an hour, and left the mine without even leaving his name. Notice your remarks relative to the new stockholders, and sincerely hope soon to hear that there is more, and that stock is rising.

In your last you mention a Mr. Walcot and Davison; no gentlemen of these names have ever visited the mines to my knowledge; there was a very pleasant gentleman, by the name of Huntingdon, visited with Mr. Green. Mr. H. appeared acquainted with your family. The Mr. Davison you mention, must, I think, be Mr. Dickson. You must, I think, remember the gentleman, who came to see you about two years since, from Mexico, and was desirous of coming to Virginia, &c. I have seen him since, and he informs me he has been at Whitehall, &c. I notice your remarks relative to Goochland. I have all prepared, and if the weather will permit, I leave in the morning. I can leave this week very well; in fact, if I do not leave this week, I fear I shall not this summer, or for some time. I shall endeavor to settle with Moss if I can. I think I have discovered a way to get around Clark. I shall not leave Goochland without doing something, as it is now about four months before the bond is due. I shall have sufficient time to obtain judgment against Moss, if I cannot bring him to terms.

I had to-day a letter from Mr. Trego, in which he informs me that his house is quite ready, but finds it difficult to obtain hands, and wishes me to send him some, &c. but this is out of my power at present, as we have barely hands enough to keep the Orange and Gordon mines at work; in fact, we would employ six more at Gordons, and I am anxious to open in the Tinder Woods, but cannot do so for want of hands. You or the secretary, Mr. B——, had better put a notice in the Old Countryman of your city, that miners will find good employment in Virginia, &c. Captain Smith informs me that many miners are expected from England, this and the coming month. We have just heard from Reynolds, Thompson and Love. They are all in Pottsville getting $1 per day, and find themselves; that is, $24 per month, and that they have to pay eight dollars for their board, which leaves them sixteen dollars per month; I am informed that they are quite sorry that they left. Mr. Trego observes, "there is nothing new relative to the Moss business. I have not a shadow of a doubt, but we shall obtain a fee simple of the land, either by law or equity, or both.

I was in good hopes you would ere this have done something with a part of G. for I am well aware that G. and C. will learn all about it when they come on, and I should be pleased to inform them that I owned but a small part, instead of one-third, and although I am fully persuaded that G. before long, will, and must sell for an immense sum of money; still I do not feel as though I ought to risk so large a sum, or hold so large a share yet unpaid for; I am therefore willing, if you know a friend, but I doubt not but you do, who is willing to take one-sixth, or one half of my interest, as it now stands, for the sum of $12,000, four to six months, you deducting the purchase money; I will accept the amount, or balance, in good paper, such as you would approve, and give them one-sixth of the whole, or one half of my interest in the G. mine. I am well aware that I am offering it very low, and if I was at liberty to sell out here in shares, I do

think I could sell here for quite as much, or more. I shall not hold myself to the above for an length of time, say to the 24th instant.

I notice your remarks relative to your brothers, &c. and shall expect them to take up their abode with me.

Yours, truly,

W. K. SMITH.

F. 3.

Smith to N. Richards, May 15, 1833. Read, November 28, 1834.

ORANGE MINE, *May 15th* 1833.

NATHANIEL RICHARDS, Esq. *New York*.

DEAR SIR: I have this moment received your favor of the 11th instant, and notice its contents. Notice your remarks relative to Dickson's letter; he informed me that he should write, I think the Messrs. Josephs, brokers, Wall street; I am not sure that I have the right name; I am quite at a loss to know how it is, that Mr. Bingham has not received my letter, giving him the account of engine, &c. &c. You mention that my draft dated 9th inst for $2,500 came to hand; I never drew such a draft, and if such a one has come to hand, it is not mine; I have advised the secretary of all drafts I have ever drawn. I did not advise him of the one for $8,000, when I drew it, for I had done so some time before. You must, I think, have made a mistake. I wrote you I had paid W. and B. $2,500; but that was from the funds in the bank, which I had previously drawn for. For the three last days it has rained in torrents, and it now looks as though I should get a pretty good soaking before I got far; but I shall start in one hour and go as far as Louisa court house this afternoon. I have conversed with a gentleman well acquainted with such business; he says the land cannot be sold if the trustees have the money, for they are the ones to instruct the sheriff to sell, &c. I feel quite easy about the affair.

Mr. Trego boards with a Mrs. Davis, a pious and intelligent family; his address is David Trego, Willmington post office, Virginia. I notice your remarks relative to your brothers bringing on bars of gold from mills, &c. I know not how long your brothers think of remaining in Virginia; but I fear you all expect too much to be done in a short time, and there is innumerable small jobs to be done; all of which must be done, before we get gold. Mr. B. will have one of the riffle rockers made and put up at the head of the branch.

In haste, from yours truly,

W. K. SMITH.

G. 3.

Smith to N. Richards, May 18, 1832. Read and submitted November 28, 1834.

ORANGE MINE, *Saturday, 2 or 3 P. M. May* 18, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Having just arrived from Goochland, and anxious to drop you a few lines to send to Robinson's this evening, informing you that I left here on Wednesday afternoon; arrived next day; saw Moss and told him in plain English what I thought of him and Clark, and that I was on my way to Goochland court house, to see what could be done with persons who had formed a conspiracy to swindle gentlemen out of their property, &c. &c. After some conversation, and finding that Moss felt the force of some of the language I made use of; told him that I still held the olive branch in one hand, he raised a bugbear about twenty or thirty acres which Bowles was to let him have, &c. that as I had come, who he knew would do all things right, &c. he was ready to make a new bargain, &c. This I soon stopped. I told him to come with me to the land, and I would then see about the thirty acres, &c. he observed, he was desirous to retain that amount, or sell his home tract, which joins us on the south, and the vein, and one that they say contains gold, runs through it, which consisted of 100 acres, &c. but time will fail me, suffice it to say, I upon the spot, in the presence of three witnesses, paid him $100, fifty on account of each tract of land, took a receipt, &c. for the same, and sent for the magistrate, &c. Colonel Bowles was in Richmond, (at the time,) and having no scribe, made out, or wrote the deeds and certificates myself, and met him next morning at his house, &c. Met the next morning, and one magistrate too unwell to leave home, &c. I took Moss and wife, &c. along to the magistrate, seven miles out and home, fourteen miles, and there completed the business, getting from Moss and wife two good warrantee deeds complete, &c. One for the mine tract, agreeable to the survey, 456 acres, at $4 per acre, and his home tract, 100 acres $5, half cash, and one half in one year, or six per cent. discount for cash, which he allowed, and I paid him the whole amount in cash; he produced the bonds, and Mr. Payne signed the deed of relinquishment, &c. all which was acknowledged before the justices, &c. and Mr. Trego leaves G. in the morning for the court house with deeds, relinquishment, bonds, &c. Colonel Bowles who was expected, will sign the relinquishment. I have instructed Mr Trego to have all recorded, and let Mr. Miller, while he is there, and send you copies of all, &c. The account stands thus:

456		2) 2324 00	
4			
		1162 00	
1,824	Mine tract.	1092 28	Less discount, six per cent.
500	Home tract.		
		2254 28	Cash, express, boys, &c. $2,260 28
2,324			

452.

More in my next. It rained all the while, and has rained here for nine days, and the roads are horrible

In haste, yours truly,

W. K. SMITH.

H. 3.

Smith to N. Richards, May 20, 1833. Read and submitted, November 28, 1834.

ORANGE MINE, *May* 20, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: I wrote you a few hasty lines on Saturday, after my return from Goochland, giving you some account of what I had done with Moss. My object in purchasing the second tract from Moss, was to get him and his tribe as far off as possible, and because I thought the tract would be valuable by and by, or would be an acquisition to the mine. Should you desire it, I will keep the whole tract; as it is, I expect to reserve one half, although the deed is in your name, and I do think it may become valuable. Now, my dear sir, as this business is settled so much better than you could have expected; for if we had gone to law, it would have cost a large sum, even if we should have gained the case, which I have not the least doubt would be the result, still I think you are indebted to me the amount of guarantee which you offered, and said you would be willing to give, to have it settled, which was $500, and I do assure you I should most cheerfully given half the sum, rather than have gone to Goochland when I did, and all that amount to have had it settled as it has been. The amount or purchase money amounting to $2,270, including my expenses; I likewise promised Mrs. Moss (which I sent up with the hands) a present, amounting to $10.

Making - - -	$2,280
I have likewise furnished Mr. Trego	220
	$2,500 due me, &c.

I shall draw on you in favor of Joseph Howard, at sight for $500 and the remaining $2,000, if more agreeable to you, I will draw on you in favor of W. J. Roberts, sixty days from 18th instant, adding discount, which I shall have to pay as I require the money for use. You will please inform me in your next relative to it. Should you not have done any thing in relation to any part of my interest in Goochland, I shall now hold the one-sixth at $15,000, and I have no doubt it will be an excellent purchase for any one who wishes to invest funds.

I notice your several remarks relative to stock, and fear the reason

you have not sold, is you ask too high for it; I think if I owned as much of the stock as you do, I would sell four or five hundred shares at $100, rather than not sell, while I should be willing to purchase a few shares, and think it would be a good investment at $125; but I think if the Virginia Mining Company's Stock is raised too high, it will have a very bad effect on mining, and although it might benefit a few individuals, it would injure you or any one who was in the way of purchasing and selling more mines, and I do think all the old board, or the first stockholders ought to feel satisfied at an advance of 400 per cent. at any rate 750 on the first cost. I know not how they can do so well, and I am always willing to take a good profit, and let those that are willing to purchase, have some advantage, and I think Charles a dunce for purchasing back again, unless he got it for much less than he sold for; I do think as the Virginia Mining Company will not sell their stock, and as there is a number enquiring after gold mines, &c. it will be a favorable time to sell Goochland for at least $100,000 in New York, or Boston, half cash, and half in six months. If you are enabled to do any thing of the kind, I am willing to retain five or $10 00 of the stock, and place at the rate of $20,000 in any fund you may think proper for carrying it into full effect, which I am sure will be much more than will be wanted.

In haste, yours, truly,

W. K. SMITH

I. 3.

Smith to N. Richards, May 23, 1833. Read and submitted, November 28, 1834.

ORANGE MINE, *May* 23, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your two favors of the 18th instant is before me. Notice your several remarks; I wrote you more particularly about my settlement with Moss. Notice that Charles has sold stock at $200, and am pleased to learn that you have sold 25 at $200, should have been more pleased to learn that you had sold 500 shares at $120 or $130, or say, $100, but I fear the stock going so high will be injurious to the stock hereafter, and to mining in general, for I do think it is more than the stock is worth, and what in reason it ought to bring. And I fear a reaction if the stock goes higher. As I have before observed, for a small purchase it will do well at $125 or $150, but if stock goes so high, and the stockholders become disappointed, down will go all mining stocks, and it will be hard to get them to move again. I hope while the fever is high you will do something with Gd. I wrote my brother H. and if you should feel disposed I should like for him to see the specimens, he will keep it to himself, and I think he will like to take two or $3,000 of the Goochland, and I now am willing to sell my third as I proposed in

my last, although I think it low, and will take part cash, and part at six months, or even one year for paper at No. 1; and I do assure you I should rather own Goochland at $100,000 than to pay $200, or even $150 for Virginia Mining Company. I am willing now if you can find a purchaser in the course of a day or two to sell the one-sixth of G. at $15,000, half cash, and half in six months, which I think is what I wrote before, but should prefer sell at the rate of $100,000, and retaining 5 or 10,000 as I proposed, or I will sell two-thirds of my interest at $22,000, one-third cash, one-third in six months, and one-third in twelve months, good paper; which is low.

We shall expect your brothers to-morrow morning. Mr. Williams thinks the old deed will do best. I shall if possible, get a new one. Should C. and G. find out about Goochland, I think they would like to take a 5 or 10,000 dollar cut.

Yours, in haste,

W. K. SMITH.

Say in your next if they should find it out, whether I shall sell them any part of mine; they will find out without doubt that I am interested.

K. 3.

Smith to N. Richards, May 27, 1833. Laid before the board, November 28, 1834.

ORANGE MINE, *May 27th*, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your several favors of the 23d and 24th instant is received. I showed G. and C. your letter respecting the stock, and they by no means think it necessary to keep the cost of the stock a secret. I am happy to learn that you have sold fifty shares at $200 and should be happy to learn that you had sold several hundred more even at a less price, and if Mr. Davis will take 100 or 200 shares at $175 or even $150 I would let him have them, and give him a chance of making something, and secure to you a great and enormous profit. I notice your several remarks relative to Goochland, and the second purchase. When I made the bargain with Moss, I did not consider that I was purchasing the land for you, and from your last letter, in which yon instruct me to give $2,000 more for G. and rather than not to get it, even to give more, I was under the impression that the tract referred to, was a white quartz vein, amounting to 50 acres, and I am sorry that you think that I ought to be content with one-third. I however shall not contend, but give up, as you think you are entitled to two-thirds. I however shall not consent, nor do I think it necessary that it should belong to the G. mine. I notice your remarks relative to the 500, I do not claim it upon any pledge of yours, for I did not consider that I held myself accountable, or insured a warrantee deed, although I felt confident I could obtain from Moss, if any one could. But I should have been willing to have given any one

$500 for my part to have left home when I did, and to have obtained from Moss what I did. I have this evening received a letter from Mr. Trego, per boy, whom I sent up with Mr. Reed, in which he says, "I am sorry to say I was not able to send the papers to Mr. Richards. Colonel Bowles did not arrive as I expected, and I took the deeds and lodged them, which Mr. Miller says is all well, and no one can supplant them. Mr. M. as I supposed, and as I instructed Mr. T. to have the deeds of release recorded first, he adds, Colonel Bowles has arrived and will sign the deed as soon as the Justices can be obtained, and then I shall forward it to Mr. Miller, to whom I have given instructions to have all the papers sent to Mr. R. without delay. All things go on pleasantly, and I expect to get a peep at the vein in a day or two." Mr. Trego asks how he shall be supplied with funds; he has purchased some corn and a horse, &c. and I have to pay carpenters, and for provisions. I cannot send him funds but by a special messenger. Can it be done through H. and P. or the Messrs. James, no doubt H. and P. would advance, and take drafts on the Messrs. James, and there will be some things wanted from Richmond, as rope, &c. &c. Be so good as to state in your next in which way you wish to have it done. Please likewise to send me a statement of the 25 shares of Virginia Mining Company's stock, with the amount of assessments to date. I notice your offer to me of 12,000 at six and nine months, for the Goochland mine, with a long list of conditions, with which I cannot comply, as I am confident that I can do better than what I offered it to you for last, for you can take it or not, as you please, at $15,000 for the Goochland mine, and deduct the cost of G. and the Moss tract, from the amount for the stock; I will pay you for when due, or when I dispose of it, you deducting interest. It was not to be paid for I understood until October. The amount after deducting the first cost, I will, two, six and nine months, one-third each; I will agree to retain a good interest in the mine until it is developed in full, for I would not sell all my interest at the same rate you are selling Virginia Mining Stock for, and I will and must believe that before one year it will sell for more money, and I am also willing to give advice relative to operations, &c. so far as I am capable. I wish you, my dear sir, that I do not press this bargain upon you, for as soon as I can hear from you, I shall dispose of some of my interest.

Yours, truly, in haste,

W. K. SMITH.

G. and C. I find appear to know that you and I have a valuable property, and both have been at me to-day about it. I doubt not they get their information from the M. or some one about the mines, I think they were in the yard when the boy returned.

P. S. I wrote to Mr. S. about the time the obligation was made void, and I do not think I can get him to commit himself again.

W. K. S.

L. 3.

Smith to N. Richards, May 30, 1833. Sumbitted Nov. 28, 1834.

ORANGE MINES, *May* 30, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your brothers left here this morning with their families for the north, they visited White Hall and brought some bars of gold from there; they appeared much gratified with their visit; the ladies went with them. The gentlemen visited Gordon's yesterday, and appeared much pleased, the work progresses well and looks well. Your brother has several fine specimens from the G. and O. mines. All expressed themselves much pleased with our mine and establishment. Charles stopt at the major's, they were not so inquisitive as you thought they would be; but they found out all about Goochlond at White Hall, and from the major I think; they named the thing to me, and I then told them all about it, and the circumstances under which it was purchased, all which was satisfactory, and they both appeared much pleased with the account they heard of it, and thought that you no doubt would make another great fortune by the mine. "Dish always up when it rains." In my last I wrote you that I would sell one-sixth of the G. mine, I am looking for your answer, and no doubt you will accede to my proposition. I know I can do better, and make a ready sale too. If you have acceded to my proposition I shall feel quite satisfied, and I doubt not you can now double your money, and in all human probability you will make an immense fortune by it, but I think it the most prudent course for me, and am willing and anxious those who purchase of me should make a great business of it. My brother's health is so poor that the Doctor advises him to go to Ballstown springs. He will leave here after the quater's accounts are forwarded, and will be absent one month or six weeks. He will pass through New York, where you will see him in a short time. I draw on you for the $500 at ten day's sight, in favor of W. J. Roberts, Esq. On looking over my memorandum book, I find the Gordon mine is indebted to me $111 for cash paid my brother's expenses to at and from Richmond, and for the present he made General Dade, &c. and likewise for postages, &c. your third of which will be $37, and Mr. T. 37.

Your account stands with me thus:

Cash paid on the 19th, for purchase of G. or balance,	$2,000 00
Sixty days discount per bank,	21 34
27th, bill paid for Goochland, for articles from store, bill sent Mr. Trego,	27 89
Cash, paid expenses of Gordon mine, your third,	37 00
Balance due me,	**$2,086 13**

For which amount I have drawn on you, at sixty days' sight, in favor of W. J. Roberts, esq. from 19th instant, which you will please accept. Mr. S. and all the family desire to be remembered.

Yours, truly.
W. K. SMITH.

M. 3.

Smith to N Richards, June 3, 1833. Read, &c. Nov. 28, 1834.

ORANGE MINE, *June* 3, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your favors of 31st ult. was received, and note their contents; Mr. Moffatt arrived here, and visited the mine on Monday, with his son, and two gentlemen from town. Mr. M. appears much pleased, and expressed himself happily disappointed, in regard to the mine, work, and the whole establishment. He made selections of ore from the mine, and I shall forward them the first opportunity. He appeared much pleased to learn that his partner had closed the purchase, but I do think that the larger stock-holders ought to have contributed, and let Mr. Moffatt have the forty or sixty shares at par, or at most, 25 per cent. for his assays, and their reputation, as refiners, will do a great deal for the stock. He feels sanguine about the ore, and thinks he could go into Wall street, and raise the stock to 300 or 400 per share. His son took a copy of the transverse section of the mine, &c. and they all left here last evening, for White Hall. I think Mr. Moffatt will be of great use to the mine, &c. he told me about the results, and thinks we have plenty of ore in the mine, and on the surface, like it, &c.

I notice that you have concluded to take my one-sixth of Goochland mine, at 15,000 dollars. You have done well, for I could now sell it for more than double, I have not the least doubt; but you are destined to make the large sums, and I, of course, the small ones. When your brothers, G. and C. were here, they found out all about Goochland, they heard that it was a valuable mine, and that we gave but 7,000, or 10,000; this, I told them, was incorrect, and then told them that it had cost much more, and, I believe, told them near what it did cost. They appeared much interested, and I told them that I had offered to sell you a part, and if you did not take it, they should have it at a fair price, &c. they was confident you would take it all. I told them I was desirous of retaining an interest of 5,000, or 10,000, but wished my interest to be small in any mine; that I should not feel a greater interest in it than in the Virginia Mining Company, and that while I did remain here, I wished to give my time as much to the Virginia Mining Company, as I could. I did not think that you would have the slightest objection to their being interested with us, and you think so highly of Mr. Moffatt's talents as a smelter, &c. that I thought

he would be just the man we should want, and I mentioned to him about the property before I received your letter, or I would not, on any account mentioned it to him. He is quite up about it. I told him I should write to Charles and Guy, who I promised to write to, as soon as I received your answer, and, I am sure, my dear sir, if you wish to dispose of any part of Goochland mine, you can now get at least 200,000 dollars, for the gold fever is up. I requested C. and G. and likewise Mr. Moffatt not to mention any thing about the property, until I wrote them: my idea was, to let C. And G. and M. and others, if they choose, take the other 1-6th, and I would retain 5,000, and keep it until developed, &c.

Now, my dear sir, I am well persuaded that the Goochland property is better worth 500,000, than the property that is now selling so high, is: I think it will prove so, and if a charter can be obtained, I should not be surprised, if in one year, it sold for one or two million; but this is, of course, to be seen. Now, my dear sir, I do not know how to get off; you can, or should, without doubt, have the first offer, or preference, on the grounds which you state; but if you do not wish to include it in your offer to me, I shall be obliged to let them have it, and I should wish, and feel desirous to have them interested: I went so far as to tell them, that if you did not take my interest, that they should have it at a fair price, &c. and I would write them. Now, my dear sir, I am by no means desirous that you should take any remaining interest, but I feel as though I could now obtain a handsome price for it, and I think it my duty to sell, and retain a portion that will not take me from my present engagement, for the present; and you have got the other part for a small sum, compared to what you can sell for, and you will make an immense fortune by the Virginia Mining Company, and there may be, by and by, others. I am willing to say, that I will now take 45,000 dollars, for my remaining 1-6th, and include both interest in Goochland; and I will retain 5,000, which will give, or leave me 1-54th part of the mine, which I will hold until it is developed, or as long as you wish, and do all I can, in the way of advice, or plan, to have the work done with despatch, &c. This will be disposing of my third at 60,000, or 180,000 for the mine, or for both properties, although the sum looks large. I have not the least doubt, if you will show the samples, and have some assays made, you can find one, two, or three gentlemen that will take as much as you wish to dispose of, at the rate of 200,000 dollars. I will make the payment easy; I will say for the 40,000, 10,000 in Virginia mine stock, at 200 dollars per share; 10,000 dollars in a draft, at four or six months, that I can get discounted in New York; 10,000 in nine months, and 10,000 in 12 months; from the first sum, 10,000 in stocks, you can deduct the amount of the 25 shares which I purchased, payable in October. In closing this bargain, I do not wish you to feel as though you was giving me a great bargain, for I am well persuaded I can do as well, if not better, and get the cash or paper, four or six months. I shall wait the returns of mail for your decision. I shall make up the the Goochland account, without reference to Trego's expenditure, which of course, is but small, or he has funds in hand. You

will, my dear sir, no doubt, unless blinded, make a large sum of money "by our exertions;" but let us remember, it is the Lord, he putteth down one, and setteth up another, and there is none to stay his hand, or to say to him, "what doest thou;" and I hope we shall make good stewards, and remember it will profit us nothing, if we gain the whole world, and lose our own soul.

I must say, I was not a little surprized to see, by your statement, that you charged me 125 dollars for the 25 shares; for I, most assuredly, should not have purchassed when I did. Mr. Taylor wrote me that you and all the rest of the company, was anxious that I should own shares, and that you would let me have 25 or 50 shares, at what you gave me, 90 dollars. On your arrival here, you told me the same, and I did not, for one moment, think that you expected that I would give 125 dollars, and the object was to start the stock, &c., and on looking over your letters, I find the tenor of your first letter from Richmond was to that effect, and I can say, I never was more surprized; I, however, leave it with you.

Yours, truly,

W. K. SMITH.

Goochland mine, first cost	$9,185 75	as per account rendered.
To Mr. Hitz and Wyatt, eqaul to cash.	2,475 00	as rendered to you.
	$11,660 75	
Moss purchase of two tracts of land, as per account rendered.	2,527 89	including bill of sundries.
	3)14,188 64	
Amount due you for first	$4,729 54	cost for Goochland and Moss tract.

Nathaniel Richards in account with W. K. Smith,

Dr.			Cr.
To 1-6th of the Goochland mine,	$15,000	By cash paid, 1-3d Goochland mine,	$4,729 54
	$15,000 00	one-sixth Goochland.	
	4,729 54		
	3)10,270 46		
	3,423 49	sixty days sight.	
	3,423 48	six months.	
	3,423 49	nine months.	

Should there be any difference, please correct it; I shall draw on you from the 27th for the 3,423 49 in sixty days' sight, in favor of

W. J. Roberts, the remaining 2 drafts, if approved by you, I shall draw on you from 27th ultimo.

Yours, truly,
W. K. SMITH.

The $10,000 in stock if more agreeable, you can give your draft at six months.

We hear here that the Virginia Mining Company's stock is at $300, Moffat is much pleased, thinks it will go very high.

N. 3.

Smith to C. H. Richards, June 14, 1833. Read and submitted November 29, 1834.

(*Private.*)

ORANGE MINE, *June 3d*, 1833.

MRS. CHARLES H. RICHARDS,
Brooklyn, New York.
CHARLES H. RICHARDS, Esq.

DEAR SIR: Since you left, we have received a visit from Mr. Moffat, of your city, who is now one of the stockholders; he visited the different parts of the mine, and made selections of the ore, all which he expressed himself much pleased with. I mentioned the subject of G. to him, he would like to come in for a part; I told him I should write you what part I should be able to dispose of. Since which, I have received your brother Nathaniel's letter, in which he informs me that he will take the interest, and what other part I wish to dispose of, as he does not wish it to come into market yet, &c. &c. My letter to him was of such a nature, that if he will give me as much for the interest as I can, or as I think I can get, I shall be obliged to let him have it, on several accounts; I shall ask him a round price, but not more than I think it worth, and the interest will come low, but should he not take it at my price, then, my dear sir, I shall be most happy to let you, Guy, and Mr. Moffat, or any one you think proper, take it, and I do think, even at the price I offered it to him, he will make a great bargain. You and G. therefore, will greatly oblige me by not mentioning to any one respecting that property. I wrote your brother, that you and G. knew about G. and it was quite immaterial whether he took it not, as Mr. Moffat, yourself, and others, I thought, would. I think there may be an opening by and by, for a good thing; I sent the bar of gold on by Mr Moffat to you. Moffat thinks stock will go to 300 or 400, when he returns to Wall street. Gold fever, and I hope you may improve by it, and strike while the iron is hot. I herewith send you my power of attorney, to sell my stock, and, if you can get a price, you will sell 15 or 20, and, should it go to 300, you will sell the whole, without delay, on the best terms you can; Moffat gave Nathaniel $250 for 40. You are at liberty to sell at the

market price, making a very liberal discount for cash, or sell on time for good paper. Remember me kindly to your good lady and daughter, &c.

And believe me to be,
Yours, truly,
W. K. SMITH.

P. S. If you can get $250, sell at least one half.

W. K. S.

Mr. Moffat will communicate something to you. We hear here, that the Virginia Mining Company is $300. Moffat thinks it will go to $500 or more

W. K. SMITH.

O. 3.

Smith to N. Richards, June 10, 1833; read and submitted, Nov. 29, 1834.

ORANGE MINE, *June* 10, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your several favors of 28th and 29th May, and 4th and 6th June, came to hand this day, and where they have been I know not, for I have received and answered one from you which was written about 2d June. I notice the contents of all your letters, and am pleased to learn that you are disposed to assist in erecting a church at the mines. I wrote to my brother some time since, to send me a draft or plan of a plain little church that was built in Brooklyn for the second Presbyterian society, and I have requested Mr. Gordon to prepare the timber, &c. I do assure you, my dear friend, I am truly grateful for your kind offer to build a house to our God, and I know of no way in which we can spend our time or money to more profit than in the service of him who is the giver of every good and perfect gift. And God will own and bless all those that are willing to spend and be spent in his service. I notice that the stock of the Virginia mining company is still rising, and I suppose it will continue to rise. Moffat thinks it will go to 500 or 600. I can only say, you and all the original stockholders, will make an immense fortune. I notice your offer to guarantee to me 7 per cent on my stock, at the rate of $500 per share, if I will keep them, or the 25 shares. You no doubt may sell for much more than this price; I had made up my mind to sell all or a part of my stock, for I felt like doing something, for you know I am out of the market, and have to beat the bush while others catch the birds. I do not feel desirous for you to take my stock, but if you will guarantee to me the $500 per share, and pay me at the rate of 7 per cent. on the same amount, $12,500 from 25th July, and allow me to draw on you for the amount at sixty days, at any time after two years, your sending me your obligation to that effect, I will keep my stock through thick and thin. I notice your

457.

question relative to the Wellford company's interest, &c. Gold speculations, I fear, is all over here, and those that have got good mines will do well; the Wellford company ask $500,000, and the major would not take any price; they ask $180,000 for the Smith's mine. Mr. Dickson is here, and has endeavored to get Stringfellow's place, which is the only place I now know of worth attention at present, and that I consider second best to none, but Goochland. I am now in treaty for it, but doubt if I succeed. Mr. Hitz informs me that he has assayed ore from there, yieldiug 20 to 30 dwt. and he thinks it is equal to any chance in this country, Goochland always excepted. I know not what your decision will be about Goochland, but I now feel sure I can get more, by dividing it in small interests. I have made Stringfellow an offer, and if he accedes to it, I will then sell the property at a low price. I have conversed with Moffat, and write Charles to-day or to-morrow about it, and Guy &c. I had thought of offering it to you, and those gentlemen, say six or eight of them, or as many as you think proper. You can have one-quarter, and the rest to be divided between as many of the gentlemen as you, Charles, Guy, and Moffat may think proper, and I will retain an interest of $5,000, $10,000 or more, the price I shall name for it will be low, very low indeed, compared to its value. I will say $80,000, one-third cash, one-third four months, one-third 6 or 9 months, and I will make a clear deed, &c. and can recommend a practical miner, Mr. Keylan, who would be delighted to come and take charge, and I have no doubt would do well; and I will give any necessary general directions, &c. and I do most candididly believe with the advantages that place has, it can be made one of the greatest speculations I now know of.

Remember me to all,

In haste, yours truly,

W. K. SMITH.

I should have written to Mr. Bingham, but so many of the concern have been here, and are on their way, that they know all about the mine, and the more visitors we have, the longer we shall be getting under way.

W. K. S.

P. 3.

Smith to C. H. Richards, June 10, 1833. Read and submitted November 29, 1834.

ORANGE MINE, *June* 10, 1833.

CHARLES H. RICHARDS, Esq. *New York.*

DEAR SIR: As I presume your brother Nathaniel will take what part of the Goochland mine I wish to dispose of, I have one of the finest locations in view in Virginia, amount 800 acres, and second best to none in Virginia, (Goochland excepted) which I have in

treaty for: I mentioned the subject to Mr. Moffat, who will take an interest, and I do think that all your friends will take one, for I fear this will be the last mine that will sell for a low price in Virginia, for the present. I shall, in a day or two, send you a description of the mine, and will forward the ore; by assay the ore has yielded from 3, 5, to 30 dwt. &c. and a fine saw and grist mill on the premises; I shall be able to make a deed of it in fee.

(Private.)

I received a letter to-day from your brother, who is desirous that I should by no means sell my my stock, and offered to pay me 7 per cent. on 500 dollars to keep it; you will therefore hold on to mine until you hear from me in relation to it.

In great haste,

Yours, truly,

W. K. SMITH.

Price of Smith's mine, - - -	$180,000.
Grasty's or Welford & Co. - -	$500,000.

We hear the stock is to $350; the people here are mad. I shall be able to say $80,000, and allow 20,000 for developement, which will be ample, as the timber, wood, saw mill, and every thing are on the premises.

W. K. SMITH.

Q. 3.

Smith to C. H. Richards, June 11, 1833. Laid before the board Nov. 29, 1834.

ORANGE MINE, *June* 11, 1833.

CHARLES H. RICHARDS, Esq. *Merchant, New York.*

DEAR SIR: I had this pleasure yesterday, since which I have heard from your brother Nathaniel, relative to my remaining 1-6th of the Goochland mine; I asked him 45,000 for the remaining interest, and I cannot well sell, or ask less to any one else, after you have seen the specimens, and conversed with your brothers and Mr. Wilder, or any one you think proper; you can take the interest at 45,000, and I will retain $5,000 interest in the ssme, leaving or making it $40,000. $10,000 cash, $10,000 in four months, $10,000 in six months, and $10,000 in nine months. I told Mr. Moffat I would take their note or acceptance at 12 months, or payable in May, as they pleased, for what part they should take, and I am persuaded that you will do better by this than you can by holding on at the present high price. I have not, as yet, heard from the mine I wrote you about, and I am fearful that I may not be able to close on so good terms as I anticipated, if I do at all, and I am persuaded that no more gold mines will be sold in Virginia, for the present, "for a song." Mr. Dwight is here, and is desirous to get an interest with me in G. or the new mine; he says he will go 8,000 or 10,000 dollars—he is much

pleased—there has been some rich specimens raised to-day, and I think richer washings, and larger gold, than I have ever seen—he appears delighted with the mines below, and the mining fever is up, here in Virginia. Some one, I believe Mr. Wood, writes all about the stock of Virginia Mining Company, to his friends in Fredericksburg; I have requested your brothers to show you the specimens from the Goochland mine.

Yours truly, W. K. SMITH.

My interest in Goochland consists of one-sixth of the mine, four hundred and fifty-six acres, and one-third of a tract of one hundred acres, adjoining it. W. K. S.

R. 3.

Smith to N. Richards, June 16, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June 16th*, 1834.

NATHANIEL RICHARDS, Esq. *New York*.

DEAR SIR: Your two favors, of the 8th and 11th instant, is received—was happy to learn that Guy and lady have returned, &c. Notice your remarks relative to Goochland, I have written Trego, made arrangements about making brick, and have written a very active carpenter, at L. C. H. to contract for house, and expect him here soon. You observe that it is for our mutual interest to keep Goochland out of view for the present; I cannot think so; I believe now is the time, and I was in hopes to have found some one in New-York that would take a little intrerest for me, and make some effort to promote my interest there, while I was neglecting my own business here, for the benefit of others; but we are all such poor selfish creatures that we cannot look or do but for ourselves. Mr. Dwight is still here; appears much pleased; has gone to-day to White Hall; will go to Gordon's on Monday; he appears desirous of increasing his mining interest. I fear, for want of time to see S. I shall lose his place; I have not as yet heard from him, and I cannot leave here, and I am now losing a very large sum of money, for the honor of holding the agency of the Virginia Mining Company, and spending at least 1,800 per annum and receiving 1,000 dollars. I must say I am not a little disappointed in the old board of directors; but they, no doubt, will show their generosity, when they realize something for the property.

I notice your statement of Goochland purchase, and find that you have added 21 34 discount on draft, which should not be, as the cash was paid by me, and I gave you your choice, whether I should draw on you at sight, or sixty days. I was obliged to get paper discounted to pay for the purchase, and then to pay for the sixty days' paper the second time, would not be correct. I notice, likewise, that you make 1-3d 10,255 to be 3,415 01; I make it $3,418 03. As you no doubt made out the statement in haste, it did not occur to you that your footing to the one amount was $10,255 01, and to the other $10,245 01, making a difference of $10.

I believe the statement of the G. purchase, &c. is as follows, al-

though, in my first statement, I deducted the discount for Wyatt and Hitz amount, 2,500, by which I was in error.

Prime cost of Goochland mine is, deducting the 22 34, which, of course, belongs to you, as you do not pay the amount until sixty days, - - - - - - $14,213 64

1-3d of which is to be dedducted from	-	$15,000
Is - - - - - -	-	4,737 55
Due me, - - - - -	-	$10,262 45

1-3d at sixty days,	- -	$3,420 82
1-3d six months,	- -	3,420 82
1-3d nine do.	- - -	3,420 81
		10,262 45

As my first draft was for 3,423 49, instead of 3,420 82, as it should have been, I make the second draft for 3,418 15, deducting 2 67, over drawn in first draft, and the third draft is for 3,420 82, both of which I shall draw on you for, which you will please honor, and oblige,

Yours, truly,

W. K. SMITH.

P. S. In looking over your statement of G. I notice you say, "due W. K. Smith, for the purchase of one-half his interest in the two purchases made of Moss and others, 15,000." Now, my dear sir, if you look at my letters, you will see that I never intended to sell you the new purchase, for several reasons; but ed you the last 1-6th, then I think I offered y with it all the 1-3d of new purchase, and I have offered the same to G. C. W. and others, 1-6th of old and 1-3d of new purchase.

W. K. SMITH.

S. 3.

Smith to Richards, June 17, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June 17th*, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

DEAR SIR: Your favor of the 13th instant was duly received. The assay, by Moffat, was from Goochland; when there, I endeavored to make a bargain with him for the mine, and likewise his tavern and store, and could I have spent the time, I should, I have no doubt,

succeeded. I have since written Trego about it, who informed me that he had sold it, or a part of it, and by this time it would take a dozen Philadelphia lawyers to tell how the business stood. I do not know of any property that I could now get hold of, except the plantation next to Scott's. Mr. Dickson thinks the Orange vein passes through it; he endeavored to lease it, but the owner wishes to sell, and I have the refusal for a short time. It contains 360 or 80 acres, or thereabouts, and the river runs through the place, and would be valuable for wood, &c. If you feel like it, you can have one-half for 2,000 dollars cash, or two-thirds at 3,000 dollars, 2 cash, 1,000 two months, and the deed shall be made out in our names, and we can let the property lay for the present; the house is as good as common, and I suppose we could let it. Learn from your brother C. and B. H. S. that stocks are still rising, and I presume I could now obtain 500 dollars cash for my stock; I, however, hope you have concluded to take it, so that I may retain my interest. I have cleared away a beautiful situation in timber woods for the new church, and am only waiting for a draft to make a contract. We are likewise sinking a shaft on timber property, about 350 feet from Stewart's shaft, and Saturday measured the vein from the branch on timber land to Grastly's line, on line near Stuart's shaft, which is 2,267 feet, which will make a stretch of vein about 4,000 feet, besides, I think, as much, or nearly so, the other side. I think of starting a tunnel at the vein from the branch on the vein, and so come towards the Stewart shaft, which may be accomplished in six or eight months, and gain a depth of 100 feet or more, and lay open all the vein for that distance.

I went on Saturday to Gordon's with Mr. Dwight; he appeared much pleased, and left here this morning for Philadelphia. He is anxious to take a part of Goochland, say 8 to 10,000 dollars worth.

Yours, truly,

W. K. SMITH

T. 3.

Smith to C. H. Richards, June 17, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June 17th* 1833.

CHARLES H. RICHARDS, Esq. *New York.*

DEAR SIR: Your favor of the 14th instant was duly received; notice that you permitted Andrew Jackson, Esq. to accompany you, &c. Was pleased to learn that you, and all the rest of our dear friends, arrived safe. Notice your remarks relative to stocks, and would observe that I know not where it will end, perhaps not short of $1,000. I notice you had a conversation with Moffat, and to-day I am in receipt of a letter from Moffat, in which he gives me the result of the White Quartz. That place is not in market, and cannot be obtained. Mr. Moffat gave me the result of a specimen from Goochland, which I considered but poor. Your brother has hundreds as rich, and many

ten times as rich, from that mine; in fact, I have no doubt but the mine will surpass all others in Virginia or in the United States. I wrote you, and mentioned what I considered but a small price for it. The assay from Moffat was 447 dwt. for 100 pounds. I am waiting for your answer to my last communication, for if you and the rest do not decide to take it, I shall conclude to retain it myself, and now have no desire to sell it.

I received a communication from Moffat on the subject of the Quartz yesterday, through your brother. I received a letter from your brother Nathaniel to-day, and I do assure you I feel much indebted to him for his kindness and noble present; he has made me a present of the 25 shares, which I purchased of him, payable in October. And now, my dear sir, as I am much in want of the cash, if you can sell them for me, you will confer a great favor on me, (at the market price,) I hope you will be able to sell them for cash, or a part of them. I want about $4,000, or $5,000, on the 27th instant, and if you can advise me of the sale of a part of them, so that I can draw on you, through the bank, for that amount, at ten days or longer sight, you will confer a great favor on me. You will please sell the whole amount, as I shall shortly want more money, or good paper. All goes on well, and we shall be able to start on the 25th. You may sell a few of my shares from time to time, as they may advance, as I have little doubt they will for some time; I learn that they are selling for $500. As Mr. Moffat will be a most excellent person, I would advise his taking part of Goochland, and he is desirous to do so. Should I be so fortunate as to get the 800 tract, I will give you all a most noble chance, for I do think the prospect is most brilliant, and will, before six months, command a great price; but the thing is to get it. Please write me as soon as possible about the draft I wish to draw for four or $500.

Yours, in great haste,

W. K. SMITH.

U. 3.

Smith to N. Richards, June 18, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June* 18, 1833.

NATHANIEL RICHARDS, Esq. *New York.*

MY DEAR SIR: Your much esteemed favors of the 14th and 15th instant is received, and their contents noted. I felt very sorry, indeed, I do assure you, that any thing unpleasant should have been expressed by me in regard to the shares, and likewise that there should have been any misunderstanding between us, for I do assure you I feel, as I hope I ever shall, truly grateful to you, my dear friend, for all your kindness to me and mine, and I beg you to accept of my sincere thanks for your very handsome present to me and to my brother; and be assured, my dear

sir, I should be most happy to serve you, in any thing that lays in my power, as I trust I always have been, and beg you to command my poor services at any time. We have completed our bricks, and the workmen have started for Goochland to make brick this afternoon. Mr. Wolcott is here, arrived this morning, appears delighted, has gone into the mine private; shall start nine stamp heads to-morrow morning for preparing the foundation, the rest will be ready in a few days. All moves on well. In haste.

Yours, truly,

W. K. SMITH.

Moffat's assay was 476 dwt.

Notice your remarks relative to Goochland specimens. I think those gentlemen will do well.

Not to be communicated.

P. S. I am in good hopes to be able to write you something relative to Stringfellow's to-morrow. He has arrived here very unexpectedly.

Yours,

W. K. S.

V. 3.

Smith to N. Richards June 19, 1833. Read, &c. Nov. 29, 1834

ORANGE MINE, *June* 19, 1833.

NATHANIEL RICHARDS, Esq.
New York:

MY DEAR SIR: Your kind favor of the 17th is before me. Notice your remarks relative to Goochland mine, and that Charles, Guy, Wilder, &c. I have been offered at the rate of $50,000 for as much as I now feel disposed to sell; for I do think, with you, that I could shortly double the sum.

And now, my dear sir, I have to inform you, that I have closed the purchase of the Liberty Hill Mine, of Stringfellow, together with mills, mines, &c. He informs me that there is too good frame buildings, and several out buildings, that I never saw: one that he formerly lived in, and one that the sawyer lives in, or did live in; the sawyer lives on the other side of the river, and the sawyer will, and has for him sawed for 12 1-2 cents per hundred feet, he finding himself, and keeping the mill in good repair. I had hard work to get S. to close, and could only do so, by paying him one-third cash, and two-thirds in October. I have possession of mine, mills, &c. immediately, and the dwelling-house in the fall, or at Christmas. Now, my dear sir, I feel as though you had been very kind to me, and I feel much indebted to you, and I feel as though we could yet be of great

service to each other. I had thought of naming this mine Liberty Gold Mine, or Liberty Mine, and for the present dividing it into sixteen parts or shares, at $5,000 per share, one-third cash, one-third four months, and one-third six months. I had much conversation with Moffat, &c. about it, and he agreed he would take one-eighth or so of it, &c. &c. Now, my dear sir, I feel as though you could do me a great kindness, and yourself a benefit, by taking one-quarter of it, and I will reserve the one-quarter for myself and brothers; and if you feel like taking the trouble to obtain the subscribers, and seeing for me about the proper drafts, &c. you will much oblige me. We can get a charter, I am persuaded, as soon as the Legislature sits. I shall forward, without delay, the plot, and specimens; and I do think this property has numerous advantages over any other I know of, and the veins I am not alone in thinking them valuable. The mine can be started as soon as the parties please, or let to lay a while; and I am sure the property is low enough, and the first purchasers cannot fail to do a great and profitable business. The mills can be set to work, and sawing timber, plank, &c. for building, &c. and an underground captain could be sent to open a tunnel on one or two of the veins, and they can start them on the veins. Should you feel disposed to take an interest, which I am anxious you should do, you can have your quarter at $15,000, and make the payment as the rest; or, say 5,000 in sixty days, 5,000 in Virginia Mining Company stock, at market price; or $500 per share, and the 5,000 in nine months, interest after six months.

The list of gentlemen's names which I thought of, and who are knowing to it, are,

Mr. Nathaniel Richards,	Four shares	$
" Guy Richards,	Two do - -	10,000
" George Richards,	One do - - -	5,000
" S. S. Wilder,	Two do - -	10,000
C. H. Richards,	One share - - - -	$ 5,000
Moffat & Co.	Two, or one do. -	10,000
W. K. Smith and Brothers,	Four do -	20,000

With regard to the shares, you can do as you please about the proportions: perhaps some may like more, others less. I send you Mr. S.'s letter to me, and advertisement, that he thought of putting into the papers. You know the terms of the F. was to give him one-half, and they to pay for wood, water, and locate them on fifteen acres, out of the 800 or 750. The deed is now in my name, and can be made to you or any of the gentlemen you please, &c. Should there be one or two shares left, I think I know of two gentlemen that will take two shares. Mr. Dwight is anxious to take 8 or $10,000.

Mrs. S. desires to be remembered to you and yours.

The old company have addressed a letter to Mr. S. abandoning all claims, &c.

In haste,

Yours, truly,

W. K. SMITH.

W. 3.

Smith to C. H. Richards, June 19, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June* 19, 1833.

CHARLES H. RICHARDS, Esq.
New York:

DEAR SIR: I wrote you two days since, requesting you to sell some of my stock. I should be much pleased to have you sell the whole, at the market price, for I must raise a considerable amount of cash; and although I think the stock may go higher, still I have no other way to raise the cash. I should be pleased for you to sell for cash, even if you had to make some discount, or for paper that I can raise the cash on, say sixty days' drafts, &c. Nine of our stamps are ready, and the rest will be in the course of a few days, and I do assure you they look like the thing. Mr. Wolcott left here this morning, much pleased with his visit, &c. I have been waiting some days to hear from you, in relation to G———d mine. I am now offered $50,000, or at that rate, for as much as I am now disposed to sell; but should you, &c. decline, I shall not sell at all for the present. Let me hear from you about the cash, or drafts at sixty days, by return of mail.

In haste,
Yours, truly,
W. K. S.

X. 3.

Smith to N. Richards, June, 21, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June* 21, 1833.

NATHANIEL RICHARDS, Esq.
New York:

DEAR SIR: I received a letter to-day from Charles H. Richards, relative to my part of Goochland, one-sixth. I wrote you some time since what my understanding was about my interest, which I considered one-sixth of one-third of the other, or 100 acres. I, however, do not wish to divide the interest, and leave it to you to settle with them. I only wish to sell my interest, let that be what it may. Charles offers me $30,000, one-fourth cash, one-fourth four months, one-fourth six months, one-fourth nine months; and I have written them that I cannot take it; and I have, as I tell them, been offered at the rate of $50,000 for one-sixteenth, and at $60,000 for a small portion of the other one-sixteenth. Now, my dear friend, I would not write them again on the subject, but thinking you would prefer to be concerned with your brothers, Wilder, &c. than strangers, or perhaps persons

not residing in your city, now I have written them, that if they agree to give me $45,000, well, if not, well; and in order to save time, I have said to Charles that you would close with them. Now, although I am well persuaded I can do better by waiting, or selling to other persons, yet I feel desirous to sell to them; and rather than sell to strangers to you, or persons you might not be willing to be associated with, if they will not give the $45,000, you may take a little less, but not what they now offer me: this, however, I leave with you, and doubt not you will do well for me. Should they close with you, you can give them any document that will be proper, as the right is now vested in you, and I will sign any thing they wish relative to it. I think now I would not sell at all; but if I do not sell to them, I must sell to others. You will not offer the new mine to them, unless they take the Goochland: if they do, then you may do as you think proper. For your quarter of the new mine, if you prefer it, I will take $10,000 in Virginia Mining Company stock, at $500 and $5,000 in thirty days.

In great haste,

W. K. SMITH.

P. S. We started on nine heads of stamps this afternoon, and they worked well, I do assure you. We stopped to make some slight alteration in one of the troughs which leads the water off; and although we ran but a short time, and pounded nothing but refuse or cast-off rubbish, in washing a saucer full of the stuff as it came over the trough it made a handsome show of gold: so much for rubbish.

Late,

W. K. S.

Y. 3.

Smith to C. H. Richards, June 21, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June* 21, 1833.

CHARLES H. RICHARDS, Esq.
New York:

DEAR SIR: Your favor of the 18th is received, and its contents noted. Am sorry to say that I cannot comply with your terms in the sale of one-sixth of the Goochland mine, &c. I have actually been offered at the rate of $50,000 for 1-16th; and I have, conditionally, that is, if you, &c. did not take it—engaged another small interest at $60,000. I do not wish to be hasty with you; and I do most candidly think, if the Orange mine is worth $500 a share, the Goochland will be, in six or nine months, worth as much, and I must think double. I, however, sell it for what it is, gold or snowballs; and I leave it to you to decide whether you will take it at my price or not. I shall wait the return of mail for your answer; and in order to save time, you can give your answer to Nathaniel Richards, who is fully authorized to make you such conveyance as you and he may think

proper, as the title is now in him; and the terms may be—cash, 1-4th; four months, 1-4th; 1-4th in six months; and 1-4th in nine months. Should B. H. Smith, my brother, feel disposed to take a small interest, I am perfectly willing, &c.

Yours, in haste,

W. K. SMITH.

We started nine of our stamps to-day, to prepare foundation, &c. and they work to admiration. We stopped to make a slight alteration in the troughs which lead the water from the mills.

W. K. S.

Z. 3.

Smith to C. H. Richards, June 23, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINES, *June* 23, 1833.

CHARLES H. RICHARDS, Esq.
New York:

DEAR SIR: I had this pleasure yesterday, to which I refer you and in great haste enclose you a certificate for twenty-five shares of Virginia Mining Company stock, which I am much in want of the cash for. Mr. Door, of your city is here, and appears much pleased. Please sell at market price, but sell for cash or short credit, sixty days, and I cannot get the cash on longer paper. The stamps are at work, and I think they will do wonders.

Yours, truly,

W. K. SMITH.

Mr. Door is hot for gold mining: I may make some arrangements with him.

A. 4.

Smith to N. Richards, June 24, 1833. Read and submitted Nov. 29, 1834.

ORANGE MINE, *June* 21, 1833.

NATHANIEL RICHARDS, Esq.
New York:

MY DEAR SIR: Yours of the 19th, postmarked 18th, was duly received, and must truly say I know not how to answer it. You observe that you should rather given $1,000, than I should have penned such a letter. I can most sincerely say, I should rather have given the price of the certificate yours enclosed, than to have received the one I did from you to-day. I have been very unhappy ever since I wrote to you on the 16th, and no doubt I said something in that letter that I ought not to have done; but I can assure you, my dear sir, that

I meant nothing personal. I have no copy of the one I wrote you; but in speaking of the boards, or old board of directors, I did not for one moment mean to include you, otherwise than I had written to you some time since on the subject, and informed you that my pay did not maintain my family. I am truly sorry, I do assure you, that I hurt your feelings by any thing I said in that letter, for I did not intend it. You observe that you had been under the belief that you had my entire confidence. I can assure you that you have, and do now; if proof was wanting to substantiate the assertion, I would refer you to several, or all of my letters, and the one I wrote you but about ten or twelve hours before I received yours, which I did this morning. And I can now say, as I was in good hopes my conduct had ever done, that I feel as much interested for you and your property as I have for my own; and I have more than once forgot my own interest, in endeavoring to promote yours. And I can further say, had it not been for the large interest you held in the Virginia mining company, I should have resigned my commission ere this. But, my dear sir, neither of us are infallible; and I know I have a wicked and ungrateful heart towards my God, if not towards my friends. I never questioned your friendship for me, and if I did, I am truly sorry. I know the wicked one will do all he can to rob me of all the happiness he can, and often suggest cruel and wicked things to me, and I too often follow his devices; but I beg you, my dear friend, to banish from your thoughts my past ingratitude, and every thought that I am not now, as I always have been, your sincere friend, and one that would serve you to the best of my ability. I notice your remarks relative to your advice, which I no doubt ought to have taken; but I think it has arisen from an over-anxious desire to secure a little for my wife and child, and many others for whom I have to do a little, and having been so unfortunate before. With regard to Goochland, I would refer you to mine of yesterday. I think that I offered you my sixth before I even purchased the second tract; and on my return, you will recollect that I stated to you that I would keep the whole, or let you have half. I did not, at the time, think you would care about more than one half, if you did any; but, as I wrote you before, I want nothing but what you think belongs to me; and leave it with you, as I have all my business, except the selling of a few shares in Virginia mining company. When Charles was here, he kindly offered to sell for me a few shares when I wished to sell, which I did, and do now, to raise a certain sum of money; for although I have paper, it is of so long time I cannot obtain cash for it, for our banks discount but for sixty days. I sent C. my power of attorney before I received your offer about the stock, and afterwards sent for him to hold on; and I think in that letter of mine you entirely misunderstood me: but I did not think any more about it. In your letter to me on that subject, you offer me 7 per cent on $500 per share; but you did not say how long you would pay me, and if the stock fell that I should receive $500, which I could secure, and I only wished to have a correct understanding about it. I know well enough you did make the offer for my interest, and not your own; but I thought it duty to have it

fairly understood. Hoping you will destroy my letter of the 16th, and forget and forgive, I remain

Yours, truly as ever,

W. K. SMITH.

The stamps are at work, and I think they will do wonders.

B. 4.

Smith to N. Richards, June 27, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June 27th.*

NATHANIEL RICHARDS, Esq.
New York:

DEAR SIR: Your favor of the 24th was duly received, and its contents noted. I likewise received one from Charles, saying that he and Mr. Wilder had concluded to take the remaining one-sixth of Goochland, and one-third or one-sixth of the hundred acres, as may be, and as you think best. As I observed in one of my former letters that I did not wish to sell any more than my interest, be that what it may, you will please settle the proportions and the paper, as you think best for my interest. I notice that you are willing to take one-half or two-thirds of Row's place. I am placed in such a situation, that I must let you have two-thirds of it. Mr. Door, unbeknown to me, went to Mr. Row, who had given me the refusal of his place until I could write you, or for twenty days, &c. Mr. Door was so much pleased with the place, and thinking it half as valuable as Orange mine, as he says, that he made a bargain with Mr. Row for the land; but on he and Mr. Row coming over to the mine, found that I, as I most certainly did under obligation to me, and that I had written you, and offered you one-half or two-thirds, a certain price, and I expected your answer in the morning, which I did in order to satisfy Door. I told him, if you did not take the two-thirds, he should have one-quarter, &c. but that I presumed you would take the two-thirds. He thought there was no chance of you refusing. Mr. Row told him he was sorry, but if I considered his offer to me binding, he must abide by it; and I could not, on any account, let him have the land. Finding I had anticipated him, Door was the more anxious to get it. On the receipt of your letter, I was obliged to tell Mr. D. that you had concluded to take the two-thirds. This I done, thinking you would not wish to be concerned with him, and to get clear. Now, my dear sir, I think I offered you one-half for two thousand dollars, and two-thirds for three. I have no copy of my letter. I will have the deed made and conveyed to you and myself; you two-thirds, and me one-third. I had concluded that, as I gave $2,000 cash for the land, I would let you have the one-half less than I offered it to you; but as I must let you have the two-thirds, I think I must have the 3000; for I do think it will be worth it; say 2,000 sixty days, and 1,000 four months. I intended to have named to you the price I was I was to

give Row. Now, if you do not think, and do not feel perfectly willing to give me the 3,000, or what my first offer to you was, after knowing what I gave, I am by no means desirous to sell. I shall proceed to have the deed executed and recorded, and will, with pleasure, wait your decision. Notice your remarks relative to new operations. I wrote Mr. Bingham relative to same, &c. I am convinced that our stamps will do a great business. I think the eighteen heads will reduce 250 to 300, and even more, of some of the ores. I notice our stock is $500. I am not as yet able to judge how our ore will yield, not having reduced any good ore. We see considerable gold passing over to the mill, and we cannot find any to escape the mills. I have put up, and sent by Mr. Door in a small paper, some of the residue or stuff which remains in the first stamps for assay. I do assure you, I am highly impressed of the value of the Stringfellow place. I have the deed, and I have sent by Mr. Door a considerable number of specimens, which I have no doubt will yield well, but had no time to try any of them. The gold is fever high. And now, my dear sir, as you have yet a great number of shares, would it not do to let one or two hundred shares slip as a favor to some of the monied gentlemen, even at a little less than $500, for I do assure you it is a great price; and I am here, and the people are looking about, and should any thing offer, I should most probably join in any thing. That gold mining will now go on, I have no doubt, and can be made profitable; but whether every stock will go as high 2 1-2 millions of dollars, I am not prepared to say. I do not expect you to take my advice; your judgment, I am well aware, is better than mine in the matter; but I should feel like selling stock at 2 1-2 million, and purchasing when I could get it for a much less price; and the risk of developing a mine is by no means so great as many imagine. Should you conclude to take a part of Stringfellow's place, I think you must do well; but I must leave it to your better judgment. Should you let one or two hundred shares slip, you could extend, and I think there will be great encouragement to do so. I will, without delay, forward the tinder deed, and in my next will write you my views about the church. I would not solicit the board to do any thing. If Mr. W. Mr. T. or other Mr. R. pleases, we will allow them the high privilege of erecting a house to our God; but if they do not feel it to be a privilege, I am willing to bear one-half (and, if it is necessary, more) of the expenses. I will write you more about it.

Charles wrote me, which I received this morning, that he and Mr. Wilder had concluded to take my interest at 45,000, and leave me an eighth of the one-sixth, which leaves me a balance of $39,375, to be accounted for by them to you, for my account.

C. 4.

Smith to C. H. Richards, June 27, 1833. Read, &c. Nov. 29, 1834.

ORANGE MINE, *June* 27, 1833.

CHARLES H. RICHARDS, Esq.
New York.

DEAR SIR: Your esteemed favors of 20 and 24 inst. was duly received. Notice your remarks in your first relative to stock, and that you will keep your eye on the market, and study your interest and mine; perhaps, my dear sir, your interest and mine may clash, and as I expect to obtain some more stock from your brother, I am desirous if I can, to raise the cash on my twenty-five shares, which I sent you a certificate for, and if you have not sold them, I will say to you (that as you have been kind enough to allow me to draw on you for $5,000 at sixty days, from 26 inst. which I have done in favor of W. J. Roberts, Esq. which you will please accept, although I forgot the direction about the bank that they was to be paid at, until it was too late) that if you choosed you can take the shares at $480 per share, and give me orders to draw on you at ten days' sight for the remaining $7,000. You will do well by them, and I do not wish it generally known, but should you have sold any for my account at a higher rate, before this reaches you, you will, of course, advise me. It will accommodate me very much, and I at this time want cash. I notice you have accepted my offer of the one-sixth of the Goochland property at 45,000—1-4th cash, 1-4th in four, 1-4th six, 1-4th nine months. Your brother, Nathaniel, will inform you relative to the interest, and give you such writing as you may require, and I will sign any thing that may be necessary. Please advise me by return of mail. All things move on well. Mr. Door left here yesterday morning, hot of gold fever.

Yours, truly,

W. K. SMITH.

D. 4.

Smith to J. L. Moffat, June 18, 1833. Read, &c. Dec. 1, 1834.

ORANGE MINE, *June* 18, 1833.

JOHN L. MOFFAT, Esq.
Care Messrs. Wilmarth, Moffat and Curtis, New York.

DEAR SIR: Your much esteemed favor of the 14th instant is before me. Notice your remarks relative to White Quartz, &c. that location is not in the market; and as I have always said, I am fearful of them.

Notice your result from the Goochland ore. I am not at all surprised; and if you will go to Nathaniel Richards and request to see the specimens, you can see many ten times as rich. There is on

place like Goochland for richness. I wrote Guy and Charles relative to it, and offered it to them at the same price I did to Nathaniel; but as stocks are rising, and gold mines too, I do assure you, if the proposition had not gone out, I should hold on for the present. I expected you would like an interest, and mentioned the same to them in one or two of my letters. Should I be so fortunate as to get the valuable tract of 800 acres, mills, &c. you can have an interest in that. I think I shall retain something like 10,000 or 20,000, in that for the present.

All moves on well.

25th Yours, in haste,

W. K. SMITH.

E. 4.

Smith to D. Trego, Oct. 7, 1833. Read and submitted December 1, 1834.

ORANGE MINE, *Oct.* 7, 1833.

Mr. DAVID TREGO, *Wilmington, Va.*

DEAR SIR: Your favor per William was duly received, and note its contents. I am very sorry that you have not received Mr. R's. instructions. When you leave, I should think it best to leave the articles you think of leaving (locked up in one of the houses with Mr. Davis,) and have them taken over to Mr. Davis's, as well as the glass windows, for you know as well as I can tell you the character of the people near the mines. You can send the articles mentioned to Orange, but be governed in this respect as Mr. R. advises you. We have not, and I know not when we shall do any thing with Liberty mine. All is hubbub and confusion. After a storm comes a calm. I leave here for the north to-morrow.

Yours, in haste,

W. K. SMITH.

The bricks cost us $5 per thousand. You can I presume sell them.

W. K. S.

M. 4.

N. Richards to Smith, 6 November, 1832. Read and submitted, Dec. 16, 1834.

NEW YORK, 6 *Nov.* 1832.

Capt. WM. K. SMITH,

Locust Grove, Orange City, Va. Agent Virginia Mining Co.

DEAR SIR: Mr. Rockwell and myself reached home on Thursday evening, and had the pleasure of finding our respective families in good health, as well as the members of the company.

We called a meeting of the board on Friday, and made our report to them, which was satisfactory, although it was evident that some of the gentlemen were disappointed when we assured them that smelting the ore in mass was not to be done as easily as they imagined; they had flattered themselves that a large furnace could be built, and that a great quantity of ore could be smelted down, the furnace tapped, and the gold would run out in a stream: we have however satisfied them that the true policy is to obtain what we can first by amalgamation, and then smelt the residuum, if it is worth it, as we presume it will be. We have assured the board that we had no doubt but that whatever gold there was in the ore, would be got out by the two processes; there have been ten experiments made by smelting, and the result of the whole has been an average of 48 dwts. 8 grains. Now, my dear sir, if when you get in full operation, you can obtain from two, three, or four hundred bashels per day, any thing near this average, or even the 1-4th of it, the result will be splendid, and I have no doubt but that you will obtain such results as will be satisfactory.

Yesterday we had a regular meeting of the board, agreeable to the by-laws, when I had the pleasure to lay before them your favor of the 2d inst. "advising that you had got your pump in successful operation, and that you had reached the vein with the cross cut from the main shaft, and that the gold was visible in two specimens raised;" this is highly gratifying information, we shall of course be anxious to learn that you have drove the cross cut through the vein, and what you have found its magnitude and character: I have no doubt that it will be in all respects equal to where you have been operating.

I note that you have made an arrangement with Hamilton for six months at 45 dollars; it is 5 dollars per month than he ought to have, but as you observe he is on the spot, and answers our purpose, and it is perhaps as well, you have arranged with him, and we now have no occasion to look up a carpenter here to be sent on.

I have made the enquiry of Mr. Guy and George Richards, in relation to the agreement made with Hamilton when he left there, as to his board being found him by the company, and they both unequivocally say that there was no agreement or understanding that the company was to pay his board, and that they had not the least idea of any thing of the kind, that the price agreed to pay him was extravagant, 50 or 75 cents per day more than he could obtain here. This claim of Hamilton's must now be settled, and he must pay for his board since he has been in Virginia; there has been paid his wife on his account 36 dollars which you will deduct from his wages, charging in your expense, account only the amount paid by you; what I pay here is, of course, entered in the books of the company here, to the proper accounts.

I note that you have procured an engine to extinguish fires, in case of need, and I must say I feel relieved from much anxiety in knowing that you have something to rely upon in case of need.

Your draft for $1,000 has been presented, and has been honored, and I observe the principal cause of your making this draft was that you had been called upon for a part of the subscription to the build-

ing of the church, and that you had paid 500 dollars on that account. Now, my dear sir, I must say that we are not a little surpised that the trustees should have called upon you to pay any thing before they had a right to do so, and allow me to add, that I think you also did wrong to pay them in any other way than you were authorized by the board, which was $500, on the first of October, and $500 on the first of January; I find you paid them 250 on the 31st August, and now $500 instead of $250, which would have been due them. The balance of subscription, $250, you will therefore not pay them until the first of March; we think any one who pays his chairity subscription, at least when they promise to do, is doing well.

I have made enquiry of Mr. G. Richards in relation to the cistern, to hold 75,000 gallons; he says he cannot imagine why you want a cistern of such magnitude, that it will be almost impossible to make one of that magnitude to be above ground, and be tight, &c. &c. he has promised to write you on the subject.

The board are desirous of having one or two sets of the amalgamating mills, and the requisite stamps attached to the present engine, in order to afford every opportunity to examine into their operations; and better enable you to give your orders for your future and more extended operations; it is thought best, that when the English mills are received by you, and you have got it opened and set up, and you have sufficiently examined it with Mr. Hitz, and you approve, that you at once lay out your plan for making the arrangement with the two sets of mills, &c. as above, and then write to Watchman and Bratt for one of them to go on to the mine, and and make drawings of the English mill, and if they will make them as cheap as Sabbaton, and I presume they will for less, give them an order for one set, and with the understanding, that if they answer, as is expected they will, ten or more sets will be wanted; order from them at the same time the requisite stampers and geering. If you have no decisive objection to this plan the board would like to have it carried into effect as soon as possible, and if requisite let Mr. Hitz go on to Baltimore, and by his presence there, after the order is given, expedite its execution before the communication is interrupted by ice. You must recollect all the mills; geering, stampers, bands, &c. that we had at Greenwich; now please say what part, if any, of all that is there shall be forwarded on, and that may be made useful; whatever may have to go on, had better be ready to embrace any opportunity that may offer.

The board has authorized me to forward on four experienced miners as you suggested, and I shall take the requisite steps to procure them in a few days, as soon as I have time, and I shall also procure the furnace and crucibles as requested.

I have not had time to see Maffit since my return to enquire of his as to his mode of operation for smelting ore in size of beans, &c. I will advise you when I have seen him.

I have seen Sabbaton, and we are to take up his accounts on Thursday evening; he has agreed to deduct one per cent per lb. from the price charged for the castings.

I have the pleasure to say that at the meeting of the board yester-

day, the following resolution was prsented and passed unanimously:

"Whereas, a committee, composed of Nathaniel Richards and C. W. Rockwell, proceeded to Virginia in the month of October last, for the purpose of investigating the concerns of the company, and to report thereon; and whereas, on the 2d. instant a special meeting of the board of directors was held to hear said report, which was read, and it appeared to exhibit a full and complete detail of all the proceedings of the company's agent at the mine. It also appeared that in regard to the location of, and erection of buildings and machinery, the application of labor, the moral government of the establishment, and in its whole economy, a degree of skill and judgment was manifested, much to the honor of Mr. Smith, the agent. Therefore, resolved unanimously, that this expression of the sense of the board, be recorded among the minutes of the company, and that the secretary be requested to forward a copy to Mr. Smith."

Please to present my very sincere regards to Mrs. Smith, your brother, Mr. Walton, and Mr. Fulton, and waiting the pleasure of hearing from you.

I remain,

Yours, sincerely,

NATHANIEL RICHARDS,

Sec. Va. Mining Company.

N. 4.

N. Richards to Smith, Nov. 24, 1832. Read and submitted Dec. 16, 1834.

NEW YORK, *24th Nov.* 1832.

CAPTAIN W. K. SMITH:

DEAR SIR: I received in due course your favor of the 13th, superscribed as directed to my son. I have had so much to occupy my time on account of Virginia Mining Company, my own private family concerns, and jury duty to perform, I really have not had time until now to reply to your personal letter.

I note what you say about poor Messenbach: the frauds that he had committed, and the fear of being apprehended, and being incarcerated in prison, operated powerfully, no doubt, upon his mind, and doubtless destroyed his reason, and caused him to write the ridiculous letter to Mr. Taylor, and afterwards to destroy himself.

I do not much wonder that you and Mr. Hitz were a little hurt that the board wished you to put up experimental mills, to satisfy them as to what course ought to be adopted for future operations. You, however, must bear in mind, that there is not one of the board, but Rockwell and myself, that has ever seen a mine, and consequently can form no idea of the real character and nature of mining operations. Mr. Rockwell has united with me so decidedly in saying, that "until the other members of the board go on and see for themselves,

that they ought not to undertake to prescribe instructions as to what ought to be adopted;" that they have given up all interference, and are willing that I should write freely to you, and that you should adopt the use of such machinery as you may on mature reflection the most approve of, which I have already signified to you in my letter as secretary; and I doubt not but the course you will adopt will be such as will produce very satisfactory results.

I note, my dear sir, what you say about the sale of your stock. The miserable management of the Chevalier, and the almost destruction of that company, has caused a good deal of sensation here, and an increased general belief "that all mining operations are extremely hazardous, and that there are but few instances of any mine producing much profit;" and consequently an unwillingness to engage or take stock in any company, however brilliant the prospects may be for the future, in prospect.

The confidence of the board in the future profits of the company has not, as far as I can learn, in the least diminished, and there is not one of them that would be willing to sell their stock at $100 per share, or any where near it, but as yet I have not been able to obtain an offer from any one of them, for the purchase of any stock, and it will not do to press it just now. Rest assured, my dear sir, that I will yet make a sale of your stock, or a part of it, and obtain you a satisfactory price for it. Would you be entirely satisfied with $100 per share, giving me the chance or liberty of selling it at any price above that, and I guaranteeing to the purchaser 8, 9, or 10 per cent for his money, on the average for five years. It has occurred to me that I may make a sale of some stock in that way, and my confidence in the result of the business is such, that I do not know but I should be willing to make such a contract for a moderate amount. Were I not so largely interested now, or had I any spare funds, I would most willingly take your stock at the par value, or say $100 per share.

There has been very considerable feeling on the subject of the Gordon lease, and one of my brothers, as much, or more, as far as I can learn, than any one else. I addressed them (the board of directors) a letter on the subject, stating the facts of the Gordon lease; how it was originally taken by you and Walton; that in June last you proposed to Mr. T. and myself to sell us two-thirds the interest of that lease for a stipulated sum; that although we had never seen the premises, we agreed to make the purchase, on condition of the surrender of the old lease, and obtaining a new one, with certain modifications; which had been done, and the new lease obtained and executed by us, the day before I left for Virginia; all which I contended we had a most perfect right to do.

I also stated in my letter, that by the conditions of the lease we were bound to commence operations on the premises in June next, or forfeit the lease—and that if we did not sell the lease in the meantime, we should commence operations there, so as to secure the lease, which I considered very valuable. I stated verbally to the gentleman to whom I handed the letter (Mr. Wilder,) as the or-

gan of communication, that we were willing to treat with the company for the sale of the lease, and that we were willing and desirous the company would have it, and that we should sell it to them on better terms than to any one else.

Mr. Wilder informed me that he had shown the letter to several of the directors. They admitted that we had the right of holding the lease, but regretted that there should be any separate interest in Virginia, and intimated that they would like to have us turn the property into the concern at what it may have cost us (which, however, they do not know;) but they have made no proposition to purchase the lease. Mr. Wilder said he was requested to ask me to receive back the letter, which I absolutely declined, as I had stated in it very plainly, and with mature deliberation, my views of the rights of all parties; and what were my intentions as to the property; and I was willing and desirous that the board should distinctly understand it now, and for the future. I of course shall say nothing more to them on the subject of that lease, and I think it very doubtful if they mention it to me, and I shall now hold it for a good price.

The lease I left at the clerk's office at Orange to be recorded, when I was there, and requested Mr. Chapman to forward it to me, which he said he would do, as soon as the court met (in December,) and granted the permission to have it recorded.

Now, my dear sir, to enable me to make the most of that lease, it will be requisite that you should (and as soon as you can) address me a letter on the subject of that property, giving the facts as to the number of veins now known or actually discovered, and how developed, by proof pits, &c. &c. the shafts sunk, and their dimensions—how they are situated, and the great advantages the three hills have for draining by adits—the elevation of the hills—the lengths of adits required to drain the shafts, or mining operations on three hills—the probable cost of the several adits, and their several dimensions—the probable cost per foot for sinking shafts and curbing—the buildings that would be required to develope the mine—the machinery, as engines, whims, &c. &c.—the number of hands to be employed to the best advantage—how long would be required to develope the vein or veins, so as to ascertain its real character—what would be the probable whole expense to ascertain its character—and if the veins should be found of a magnitude and quality to go into operation—what would be the probable expense to erect all the buildings, machinery, &c. &c. and the time that would be required to put the whole in successful operation—if a capable agent (old Mr. Hitz, perhaps) can probably be procured, to conduct the operations there—what are the indications and character of the surface rocks—what veins, and their magnitude, have been cut in sinking the two shafts 40 and 44 feet—what the quality of the ore of those veins—how deep you would advise those veins to be sunk; what distance from the shafts do you calculate a cross-cut would be required, before the main vein would be struck—name the number of veins you think there is (from the usual indications) running through the plantation, and from circumstances their probable magnitude; the number of branches running through the

premises, and your opinion as to the probability of their being operated upon as deposit mine. State the advantages of the place as to water, and the favorable sites for dams; the abundance of wood on and about the premises; its distance from the old road; from the turnpike road; from Fredericksburg; from the Rappidan; where there are saw mills, grist mills, &c. and the advantages there is in the location of this place for mining operations upon an extensive scale, for supplies of every kind; and its healthy location at all seasons of the year; your opinion of this property, with its prospects for mining operations, in comparison of the Charlotte, Rudesell, and Caps mines, with all the machinery they have erected there; and your opinion also of the comparative value of the Gordon lease with the whole of Carvill's mines and all their engines, &c. &c. in N. C. If you could give me a little diagram of the situation of the mine, hills, branches, and the flat run course, and the site for the dam, it might be very serviceable; and after you have drawn up your statement of the situation and advantages of this property (which you will of course do with great candor and frankness,) if you think best, submit it to Mr. Walton, and let him add a certificate, sanctioning the statement as far as he thinks proper to do so, as coming within his knowledge; and if you think it advisable, take Mr. Hitz over to Gordon's, and let him go over the place with you, and then add his certificate also, as to his opinion of the mining advantages of those premises.

On receiving this information or statement from you, I think I will go on to Boston, and I believe I may induce some of my wealthy friends there to engage in this business promptly. In drawing up your letter, &c. in relation to this lease, you will take care in having nothing in it but what I may show the entire letter, if requisite. State to me in a separate letter what you would be willing on your part to sell the lease, so that I may have the power to close an offer, if I deem it satisfactory.

I observe what you say about the quality of the ore from Goochland, as shown you by Mr. Hitz: it is, I should suppose, very rich. Bissel is now here; I have seen him for an hour or two. He told me that he knows Hitz—that he was with both the father and son about a month in Virginia, exploring for gold mines—that he was with in Goochland, &c. &c.—and that he saw nothing in Virginia that was very desirable. He thinks well of the Mr. Hitzes; and I think he estimates the father, as a practical miner, more than the son, and inquired of me where he was now, and if he was under any engagements. He may possibly wish to engage him to go to N. C. he, however, did not intimate that he did wish him.

B. told me that he had much trouble in obtaining possession of the company's mines, &c. and getting clear of the Chevalier. He had, however, done so, and the C— was now somewhere in Philadelphia. He found things in a very bad state. No ore on hand at Charlotte and Rudesell mine; that all the ore they were now working was from Cap's mine; that all was now in charge of his brother; and that they were now paying expenses, and more; and they would probably make $15,000 at 20,000 a year. They are going to put up stampers and

amalgamating mills, and he said he might return there for the winter. I design to have him at my house in a day or two, and will sift him as far as I can with propriety, and will write you as far as there may be any thing of interest to communicate.

I note the sale of the Greenwood property for $24,500: is it cheap, do you think, or is it well sold? I know little about it, only by general report. How many acres are there, and slaves, and buildings! Are there any veins to be relied upon?

I beg you to be very cautious when you write any thing in relation to the Gordon lease, to confine your remarks to that property only, so that I can show your letter to Mr. Taylor, who prefers to hold on to his third of that lease.

I note that you have not heard any thing from Mr. White. Whenever you may have any thing to communicate in relation to that concern or Goochland, let it be on that subject only. I will make inquiry respecting a shingle machine and circular saw for Mr. Gordon, and let you know in a few days. I note that Mr. Gordon has sent the box of ore: it has not yet arrived. I am pleased to learn that your Sabbath evening meetings are well attended.

I have the pleasure to inform you that my son-in-law Mr. James and Catharine arrived here a few days since, and in good health. The voyage, (thirty-nine days) was of great service to both of them. They left France in feeble health, but are well now. They go on to Richmond in about ten days.

Yours, very sincerely,

NATHANIEL RICHARDS.

O. 4.

N. Richards to Smith, November 26, 1832. Read and submitted, December 16, 1834.

NEW YORK, *November* 26, 1832.

CAPTAIN W. K. SMITH,
Locust Grove, Orange county, Virginia:

DEAR SIR: Referring you to mine of this morning, which being late for our mail, I went across to Jersey city, to have it go on in the mail of to-day, and I trust it may reach you in safety.

I have not mentioned the subject of your letter to any one, nor do I think I shall, at least for the present, until I know what you may have done in relation to this Goochland property.

In the event of your making the purchase of the shares, do not fail to forward me, as soon as practicable, a bushel or two of the ore, and with as full information of every fact—as to the premises—as to its prospects for mining operations—its local advantages—state of the roads leading to it—how far it is from Orange mine—from Fredericksburg

—and from Richmond—and from James river, which I observe by the map bounds the county, and consequently, there must be a boat navigation within a few miles, I presume, of the mine. The court house cannot be more than thirty miles from Richmond.

In the event of your making a purchase of this lease, make a payment of what may be requisite to secure it, and leave the final conveyance to me until you may hear from me, after you may have made the purchase; (if they are willing to wait thus long) but do not let that stand in the way of closing the business promptly, if you deem it more desirable.

I observe that you think we shall not be able to get Barnett's place, which I shall not regret, and especially if the Goochland purchase is made. I fear, my dear sir, we shall get our time and feelings too much engaged in mining operations; and whether we get hold of the Goochland property or not, I recommend to you, as well as to myself, to make up our minds not to engage in any more new mining speculations. The Grasty, Tinder, White Hall, Duval, Keegan, and Gordon, mines, (without or with Goochland) will, I have no doubt, afford both of us as much money as we shall want, or make a good use of; and let us determine to be content with what may grow out of them.

I gave the samples of the Gordon surface ore, that you selected to be assayed, to Mr. Maffit, with a sample of the vein ore from the same place, both of which I calculated would have given very handsome results. I have been to Maffit's this afternoon, and his report to me is as follows:

Reduced the whole of the surface specimens (which you selected) and mixed it altogether, by passing it through a fine sieve, and then weighed out 800 grains and smelted it, and the result was only 1-8th of a grain of pure gold, and about the same quantity of silver. The vein ore he roasted well, and then reduced and assayed by smelting; and the result from 800 grains was 7–32 to the 100lb. and mostly silver—this little button you have enclosed.

As you may well suppose, the result of these experiments are a very great disappointment to me; they are very inferior to the Grasty Brown ore. Whether the selection of the two descriptions of ore were unfortunately very inferior, or whether Maffit has lost his art, I do not know. Had I not seen you wash the ore, and get good, very good results, and seen the gold in the ore very distinctly, the results of these two experiments would be rather a damper to me; but I am now as confident as ever the value of that mine.

I have no more miners offering, but I presume I shall have in a few days, at low wages, from Pennsylvania. Should I not have any offering in a few days, I shall advertise here again.

Yours,

Very sincerly,

NATHANIEL RICHARDS.

P. S. It occurs to me, that if, as you state, that there is no rent or share reserved by the lessor, that I know not how the lease can be

good. It certainly will not hold without there is some consideration. Perhaps some money has been paid down in consideration for the lease, and so expressed in it. Be sure, my dear sir, that the lease is a proper one.

P. 4.

N. Richards to Smith, December 6, 1832. Read and submitted, December 16, 1834.

(*Private.*)

NEW YORK, 6*th Dec.* 1832.

CAPTAIN W. K. SMITH,
Locust Grove, Orange county Virginia:

DEAR SIR: I am in receipt of your two favors of the 1st and 3d instant, and note what you say respecting the Goochland property, and that you were about starting again for there, with a view of closing the purchase of the shares; which I hope, from what you state of the richness of the ore, and the prospects as to its quantity, that you will close the contract with them; and I note that you have prepared yourself with the means of closing it, by drawing on me, at sixty days, for $2,000, which shall be honored when it may be presented.

The offer you make of your stock, in yours of the 1st, I cannot accede to; but having made you the offer of taking it at $90 per share, &c. I am still willing to accede to that proposition, because I think I may realize good interest on the investment.

In my last, I mentioned that Mr. Taylor's offer of his stock, and that it was probable that he would accept $20,000 for his 250 shares; or $80 a share, at three and six months without interest.

Mr. Wilder has made the offer to him, T. and it has been accepted, payable at three and six months from the 1st January, without interest, when the stock must be transferred, Mr. Taylor paying an instalment or assessment, seventy-five cents per share, ordered to be paid in on all the stock on the 14th instant. My offer to you is much better; I hold myself to the offer now only until I can hear from you in reply to this.

I am much pleased to learn that you are determined not to enter into any new speculations in mining operations, but to give your time and attention to the interest of the Virginia Mining Company. The company have entire confidence in you, and your situation is a very respectable one; and I doubt not it be sufficiently profitable to you as to make you, I hope, feel that you are in a great degree really independent.

In regard to Mr. Hitz and Wyatt's interest in the Goochland purchase (if made) being retained, as stated before, I think it may be important, in making any negotiation for this property, that I may have

the power of selling out the whole concern if desirable; and I therefore still wish you to obtain their views of what amount they would be satisfied with. Waiting the pleasure of hearing again from you, and requesting, with Mrs. R. to be kindly remembered to Mrs. Smith and your brother, &c.

I remain,

Yours, sincerely,

NATHANIEL RICHARDS.

P. S. If you can find among Jackson's collection from Greenwood, or elsewhere, any really handsome specimens, I wish you would lay out, for my individual account, to the amount of about twenty or twenty-five dollars.

Q. 4.

N. Richards to Smith, December 8, 1832. Read, &c. December 16, 1834.

NEW YORK, *8th December*, 1832.

CAPTAIN WM. K. SMITH,
Locust Grove, Orange county, Va.

DEAR SIR: I am in receipt (yesterday) of yours of the 4th instant, but I wrote you on the 6th definitively, on the subject of your stock, and cannot vary it, only so far as to say that I will take whole of your stock on the same terms, if you feel as though it is indispensable to sell the whole; but at the same time I must seriously solicit and advise you to retain as many of the shares as you can. I am personally unwilling that you should sell all, so as to deprive you of the ability of being a director; and I am also confident, that when the directors know that you have sold out any considerable portion of your stock, and particularly if all, they will become alarmed again, and fear that it (the mine) or something does not look as promising, or that you have some other object in view, &c. &c.

I therefore, for your own interest, and the quiet of the feelings of others, earnestly request that you retain as many of your shares as you can.

You will recollect that you were willing and urgent to sell your shares that cost you $3,000 for $6,000, and how I remonstrated against it, and the reasons why; and you now, my dear sir, have abundant cause to be satisfied with my advice; and I now advise you to sell only the 100 shares, and I am confident you will not regret it. This advice, I sincerely believe, is against my own personal interest; it is your interest I wish to benifit. The 100 shares will produce you nearly 50 per cent. more than you were urgent to realize for the 150 shares.

I note that you had been detained from going to Goochland by rain; I must say, that my expectations in regard to that property is much elevated; and I should be not a little disappointed, if, after all, you should not be able to make the purchase. I shall feel anxious until I hear from you again.

Yours,

Sincerely,

NATHANIEL RICHARDS.

R. 4.

N. Richards to Smith, December 22d, 1832.

NEW YORK, 22*d December*, 1832.

CAPTAIN WM. K. SMITH,
Locust Grove, Orange county, Va.

DEAR SIR: I remain without any of your favors since the 13th. I have added my signature, as the other party to the lease from Moss of the Goochland mine, and caused a certificate of two justices to the same to be attached, and have written William Miller, Esq. the clerk of the county, handing him the lease that he may complete the record, and then return it (the deed) to me.

The draft for $6,000 that you mentioned has appeared, and been honored; it, however, was dated the 7th, instead of the 14th, as you mentioned it would be. The deed is dated the 7th, and I presume in making the statement with the parties, you had to arrange it as on the 7th, instead of the 14th.

I am now anxious to hear from you, with a full statement how this Goochland purchase exactly stands; how much interest you have arranged that Mr. Wyatt and Hitz are to have in it, and how they are to pay for their interest, and for their proportion of the expenditures that may be required to put the mine in operation; as well as your views as to the most judicious mode for us to adopt in relation to this mine.

If this mine is as rich as you appear to think, I should think it would be our true policy to develope it more, before I attempt to offer it for sale to any one, or a company, for in its present state we should probably not be able to obtain any thing near its value; and, until I have personally examined the premises, and be able to state from actual knowledge what is its real character, I cannot of course make up such a statement, as may induce my friends to take any interest in it; and I am, therefore, now of opinion, that I shall not even name it to any one, (as I have not yet,) that I have made this new purchase, until I have been on and examined it, which I trust I may do early in the spring. After having seen it, I can then better determine what price to ask for it, or how to manage it the most for our interest.

You mentioned, in one of your letters sometime since, that Mr. Gordon had forwarded a box of ore, as I requested. I have never received it, or heard any thing more about it. Please ascertain what

has become of it, and let it be forwarded on without delay. It is useless for me to attempt to do any thing in relation to the sale of this property, until I have your formal retter, giving full and minute information, in all respects, in regard to it, agreeable to my request sometime since; and I beg you will give me that information as soon as you conveniently can. On receipt of your letter, on the subject of that property, I can then decide as to the policy of offering it to the Virginia Mining Company, or how to dispose of it; as yet, they know nothing about it. I have read, to be sure, my private notes in regard to it, to Mr. Taylor. If our concern at Grasty's mine produces, as I trust it may, there will then be no difficulty in negotiating the Gordon lease for something near its value; and I am so sanguine as to the favorable results of that mine, that I am rather of opinion that we had better not attempt to offer it for sale, until after you get the mills, &c. in operatson at the Orange mine.

I am, as yet, without your final desire, in relation to your stock, only for the 100 shares. Whatever number of shares you decide to sell me, I will take as offered; and when I know I will make up your account for the advances on the stock, and you can draw on me for the balance that may be due.

Yours, sincerely,
NATHANIEL RICHARDS.

S. 4.

N. Richards to Smith, Jan. 2d, 1833. Read and submitted, Dec. 16, 1834.

NEW YORK, *January 2d*, 1833.

CAPT. WM. K. SMITH,
Orange county, Virginia:

MY DEAR SIR: This will be handed you by my son Upson, who is going on south now, because he cannot afford the time from his business in the spring.

He is extremely anxious to see you all at the mines, and the mine itself in all its parts, and I am desirous he should do so, that he may have a personal knowledge of the large interest I have there; please give him full information, in all respects, as you can, and if the weather and roads are such, as will do to go to the Gordon mine, I wish you would go with him there also.

I have informed him of the recent purchase in Goochland, but told him I presumed the present state of the mine was such, that he could not see it, so as to form any opinion of it; he is, however, anxious to go there also, and if you can give him any information to enable him to find it from Richmond, and you think he would be able to see the mines there, (at G.) so as to afford him any satisfaction, please give him the requisite instructions, and he can do as he thinks best on his arrival at Mr. James's, in Richmond; and Mr. James would

be pleased probably to accompany him, on being informed of his object, which he may be confidentially; and if we should, at any time, apply for an act of incorporation, it would be no disadvantage for him to know how that property is situated. I am anxiously waiting the pleasure of a formal letter, from you, with full information in relation to the mine, and also in relation to the Gordon mine.

Upson has never seen any of the property of the company in Spottsylvania, but Whitehall; he is desirous of seeing the whole, and I should be glad if the season of the year was such, that he could; but now, I tell him, it would afford him no satisfaction to go there.

Yours, very sincerely,
NATHANIEL RICHARDS.

P. S. As yet, I am without any information of the box of specimens, forwarded by Mr. Watchman, or the box from Gordon's. Mr. Taylor transferred the 250 shares of his stock yesterday—one half to Mr. Wilder, and the other half to me—at $80, each, at 3 and 6 months. I was in error, in stating that Mr. T. was to pay the instalment, due on the 14th ultimo; we had to pay that amount, $187 50, since the purchase of this stock and yours; none of the directors are disposed to sell now at par, and only a very few shares at $120, and they begin now to think, they would not sell much at less than $150, and they would not sell out all at less than 200 dollars; they begin to think, on the whole, that there is no investment in any kind of stocks, that promises so safe and profitable returns as this stock at 200 dollars.

T. 4.

N. Richards to Smith, Jan. 19, 1833. Read and submitted, Dec. 16, 1834.

NEW YORK, *Jan.* 19, 1833.

CAPT. WM. K. SMITH,
Locust Grove, Orange county, Virginia:

DEAR SIR: I received, in due course, yours of the 10th, and yesterday, yours of the 14th instant. I have also a letter from my son, and am not a little pleased to learn, that Mr. Hitz coincides in opinion with us, of the value of the Gordon property. Upson has expressed himself in strong terms of gratification of the prospects of the company at Orange, and at Gordon's, and of the kindness of yourself and family to him while with you.

In consequence of your letter of the 29th ultimo, offering your interest in the Gordon lease to the Virginia Mining Company, at 10,000 dollars, and observing, "that you thought they ought to have it, as you could see to it," I felt bound to offer it to the company, and I stated it to Mr. Wilder, and requested him to make the com-

munication to the other directors, and he, yesterday morning, sent them a written notice to meet him on the subject to-day. I do not much expect that they will accede to the proposition, and had I have received yours of the 14th, before I had made this offer to Mr. Wilder, I do not think I should have offered it to the company; although, as you had made the offer through me, I could hardly, perhaps, with strict propriety omit to make the offer; and, as you were willing to put in your interest at $10,000, Mr. T. and myself thought it well, perhaps, to put in ours at the same rate; but I can truly say, as regards my own personal interest, I hope the Virginia Mining Company will decline the offer, as I am entirely confident we shall soon be able to realize a much larger sum for it. As soon as I get their decision I will advise you—it may not be until the ensuing week. I have requested Mr. Wilder, in offering the property for sale to the company, not to urge them to purchase, but to lay the lease and your letter before them, and the terms with the specimens of the ore, and let them act as they think for their interest.

I observe that you state, "that the ore sent from Goochland is not as rich as you have seen it from there, as it was taken from the pit after it had caved in;" I can only say, if there is an abundance of ore of the quality you have sent me, it is rich enough; but if it is on the average much richer than that, it is truly wonderful, and I am much pleased to hear, that by actual survey, the vein is nearly 4000 feet. I am much pleased to learn that you have purchased the remaining 1-4 share, so that we now have the whole, with the exception of the interest of Hitz and Wyatt, and I hope you may be able to obtain their interest on moderate terms, as you intimate you may when you meet.

I note what you say respecting old Mr. Hitz, and am pleased to learn that yon think so well of his mining abilities, industry, &c. and as before observed, you will make such an agreement with him, as will be reasonable and prudent on our part, but at the same time allow him such a compensation as will make him feel contented and satisfied, and feel disposed to do everything in his power to promote our interest. I am now, my dear sir, well aware of the great skill, labor, and responsibility of developing and conducting a mining establishment, but in starting any new concern or any bnsiness, until there is a certainty of profitable returns, it is prudent, and in fact duty, to make all the expenses as moderate as practicable, until the results are ascertained.

I am aware, my dear sir, that the compensation allowed you, of $1,000 per annum is moderate, and by no means what I think your services require, and I trust that the present year will produce to you a very handsome per centage; and I will venture to add, that I am confident, that as soon as the mills, &c. are put in operation, and the board are convinced that they will realize any thing near their calculations, they will, with great unanimity, vote you a liberal compensation. I note, with very sincere regret, that you were going to F.

with Mrs. S. to have some operation performed, and shall be pleased to learn that it has been done, and that she has been benefitted.

Yours, truly,
NATHANIEL RICHARDS.

P. S. I note by your postcript, that you had completed your level, from the letcher to the king shaft, and that you were now taking your water from the king shaft, through the level, to the main shaft. This level is, I presume, a new one, and lower down than what we have been heretofore advised of.

I am sorry to say, the box of Gordon ore, and Hamilton's tools have never been received; they were not shipped in the Superior. I have seen the manifest of her cargo from F. there was nothing of the kind on board, and they are probably in store in F. or else put on board some other vessel, and there ought to have been a bill of lading or receipt for them.

U. 4.

N. Richards to Smith, Jan. 21, 1833. Read, &c. Dec. 16, 1834.

NEW YORK, 21 *Jan.* 1833.

Capt. W. K. SMITH,
Locust Grove, Orange county, Virginia:

DEAR SIR: I have only time to say that I have received a formal note, from all the gentlemen directors of the Virginia Mining Company, declining the purchase of the Gordon lease, which I had offered them, in behalf of yourself, Mr. Taylor, and me, for $30,000.

I have not seen any of the gentlemen since their meeting, and therefore know nothing more than the purport of their note. I am not surprised at their decision, and, as regards our interest, I certainly do not regret, as I am very sanguine we can realize from it a much larger sum, and we must now decide what must be our course respecting it. I will write you my views about it in a day or two.

I sent to the clerk of Goochland county the lease, with my signature, and acknowledgement before justices of the peace, to be recorded, and a request to have it returned. I have never heard any thing from him in relation to the lease.

Yours, very sincerely,
NATHANIEL RICHARDS.

V. 4.

N. Richards to Smith, No. 1, January 26, 1833. Read, &c. December 16, 1834.

NEW YORK, 26*th Jan.* 1833.

Capt. WM. K. SMITH:

DEAR SIR: Since writing you yesterday I am in receipt of your esteemed favors of the 21st, with the maps of the Gordon and Goochland mines, and your account of the cost of the latter, and account current. The maps are certainly very neatly made out, and the former with great accuracy, as far as my memory serves me; only that the working cabin is not placed in its true position on the map; it is south of the north shaft, where, if my recollection serves me, the cabin is on the most elevated hill north of the northern shaft. There is, as you observe, "an enormous extent of vein or veins running through these premises," and if, on their being developed, they should, any of them, be found of much magnitude, (with the very great advantages, in point of location,) that property must prove to be of great value; and, as I have heretofore observed, the real value of mining property in Virginia will be established, as soon as the Virginia Mining Company get their mills in operation; and if you can, by any means, reduce five or ten bushels of the ordinary run of the first quality ore, and have it passed through the amalgamating mills by hand power, having the full quantity of quicksilver in the mills. I recommend you to do so without delay, for if the result should be any where near what we have reason to expect, mining stock and mines would then be sought after with greediness, and there is no danger of there being too many valuable mines discovered, and producing too much gold; that is entirely out of the question. I have no fears of any mines coming into market to any extent, that will lessen the value of the mines we are interested in, provided the results of our mills at Orange should be brilliant; and as I confidently think they will, and I therefore feel no uneasiness, from the number of mines that you name that may be offered for sale in the spring; although, from the known knowledge that I have now of the mining business, with the specimens, assays, and statements, I am capable of exhibiting, I may be able to make up a mining company here or in Boston. I think it would be almost useless for any one from the south to attempt any thing of the kind at almost any price, and I predict that Asten will not be able to make up any thing with his, in P. or here. Capitalists will not, you may rely upon it, engage in any thing of the kind, without the proposition comes through some source that is personally known to them, whose representations they would have confidence in, and who has capital, and is willing to embark it in the mine he offers for sale, and retaining a considerable interest, as I have done in offering the Gordon mine, stating that Mr. Taylor and myself will retain an interest of 10, 15, or 20 per cent. each of us, as

the others may prefer. As yet, there is no decision in relation to my proposals in regard to that mine; the map will be advantageous in negotiating it.

The Goochland mine is so very rich, I have not the least anxiety about that, and am now by no means anxious about obtaining a charter for that this session. I shall be pleased to learn that you have purchased the interests of Hitz and Wyatt at what you estimate, $1,000, and 1,500. It will be, as you say, a large sum for them to realize out of nothing, but I think it is important for us to have their interest, and I hope you will close with them at some satisfactory rate; and it would be desirable, in purchasing them out, to draw on me at as long a time as you can, four or six months, if satisfactory, but let not the time be an obstacle to the completion of the negotiation.

There is no objection to adding Mr. Naijah Taylor's name to the memorial for the Gordon mine, if you think it desirable. I named that mine after Mr. Gordon, because I thought it would be gratifying to him, and would unite the interest of all his friends in favor of the application. If there is any other name that you think would be more popular, I have no objection to its being changed.

Yours, very sincerely,

NATHANIEL RICHARDS.

W. 4.

N. Richards to Smith, No. 2, January 26, 1833. Read, &c. December 16, 1834.

NEW YORK, 26*th January*, 1833.

Capt. WM. K. SMITH, *Locust Grove, Orange City, Va.*

DEAR SIR: I wrote you by this day's mail, to which refer. I think it is possible that you may be written to by some one of the directors of the Virginia Mining Company, in relation to the price you will dispose of your interest in Gordon mine, although I have told one of them, who has conversed with me to-day on the subject, "that as they had declined the offer so liberally made to them, the price now was $100,000." Now, if any inquiries are made of you, you will please say that you esteem your interest of 1-3d, at the rate of $100,000, and that, from the number of veins passing through the plantation, the richness of the ore, and the very great advantages, in point of location, over any other mine, and the superiority, in point of promise, (if you think so,) over the Orange mine, that the price above named is really, in all probability, less, much less, than its worth, and your opinion of what the stock would probably produce, if made a stock company; that you had authorized me to dispose of your interest, and that you believed I was in treaty for the mine or the lease; that if I did not make a sale of it, that you might be disposed now to sell your own 1-3d for $30,000, or thereabouts, if you should have a prompt offer of that, or something near

it. Now, my dear sir, I am by no means sure that any new negotiation may be opened; I, however, think it best to put you on your guard, in the event of your being addressed on the subject.

Yours, sincerely,

NATHANIEL RICHARDS.

X. 4.

N. Richards to Smith, Feb. 6, 1833. Read, &c. Dec. 16, 1834.

NEW YORK, *6th Feb.* 1833.

Capt. WM. K. SMITH, *Locust Grove, Orange County, Va.*

DEAR SIR: I have now the pleasure to reply to your two favors of the 30th and 31st ultimo. I note the alterations you made in the bill for incorporation of the Gordon mine, which I have no objection to. I observe you have sent your brother B. H. to Richmond, (being rather unwell,) in order to facilitate the passage of the bill, and hope, most sincerely, that the jaunt may be of service to him, and that his mission may be successful; but I do not see how you can very well dispense with his services at home; you have such a number of hands there now, and so much and variety of operations going on, that the writing must necessarily be very great, and the greatest attention required to keep all straight. I hope B. may soon get things in a good train in R. so that he may leave them and return to his post, if he is successful in obtaining an act of incorporation, Mr. T. and myself will not be unmindful of him.

I wrote to my son-in-law, Joseph S. James, yesterday, advising him of your brother's mission to R. and the interest I held in it, and requested his co-operation, which will, of course, be readily granted. My reason for not sending the memorial and bill immediately to Mr. James, was because I thought it very probable that I might have occasion next season to employ his personal services to obtain a charter for the Goochland mine. I am pleased to find that you are willing to retain an interest in the Gordon mine of 5 per cent. I shall, of course, in any arrangement I may be able to make, state that you will retain an interest in the mine, and will make it 5 or 10 per cent. as, from circumstances, may be found requisite; and I am sure that your retaining an interest will be an inducement to others to engage in it. As to the stock standing in the name of your brother or yourself, we must regulate that as, from circumstances, may be most for the interest of all concerned.

I am pleased to find that you have made an agreement with the elder Hitz to go to Gordon's or to Goochland, as may be found most desirable, "at 1,000 per annum, and to find his horse;" and I am not a little surprised that the son is not "entirely" satisfied. I observed to his friends Messrs. De Rham and Islin, on my return from Virginia, that we had employed one of the Mr. Hitz's at the rate of $1,000 a year and they expressed much surprise that we should have

been so very liberal with them, observing that "it must make them feel quite rich; it was certainly double the amount they could obtain in Europe;" and I have no doubt that the sum we allow them is at least double what they have ever had as salary men; and I have no doubt, if we had proposed to make an agreement with both the father and son when I was in Virginia, in October, for $1500 for the two, they would readily have embraced it, and bound themselves for a number of years. I think well, however, of both of them; and we should probably find it difficult to find any persons so well qualified as they are. I think with you, that it is probable that it may be determined that it will be best to have Mr. Hitz at the Gordon mine; but as we have not yet any prospect of forming a company there, I think you had better leave the place of his operations open as at first, so that we can use him at Gordon's or at Goochland, as may be most advisable. I am also rather in an embarrassed situation, in deciding upon the employment of H. for the Gordon mine, without consulting Mr. Taylor, and I cannot well state to him what you have written about H. as he may very naturally say, he would like to see your letter and your reasons for his employment; and as your letters are full as much in relation to Goochland as to Gordon's, and as he knows nothing about the Goochland mine, it is the most prudent course for me to say nothing about it for the present, but request you to write me a letter particularly on the subject of Mr. Hitz, stating your opinions of his qualifications, and the propriety or expediency of securing him, and may state that you consider it so much for the interest of whoever may work the Gordon mine, that you have made a contract with H. for $1,000 a year and to be found a horse, &c. whatever the contract is (that is, provided you are decidedly of opinion that he, H. is better qualified on the whole, to be at Gordon's,) and I will take care to show the letter to Mr. Taylor, and sanction your agreement with H. It will be well for you to state, in the same letter, your other views in relation to the improvements or operations on that property. I think we ought to commence there upon a moderate scale of expenditure. Erect no more buildings of any kind than are really necessary, and as few hands as may be used to advantage, until we can ascertain that we have veins there: that will entirely settle the question as to the prudence of going on to develope the mines upon a large scale; for, my dear sir, you must bear in mind, that if by possibility we should be disappointed in our calculation about returns from the Orange mine, I shall neither have spirits nor the means of going on with expensive operations at Gordon's. I beg you to understand that I have not the least doubt about the favorable results of the Orange mine; but until actually known, let us go on elsewhere with caution, feel, as it were, our way, as we did at Orange.

I note your remarks respecting Mr. Trego, who you think you could engage at $500 per annum, and that with a little training at Orange, would answer well for Goochland or Gordon's. I like the idea much, of your making an agreement with him for "an employment as you may direct." Leave the place blank, and that he should give his attendance for a month or more at the Orange mine, to quali-

fy himself well for operating elsewhere. He may be of some service to the Virginia mining company; but they must be at no expense, as he will be learning for a separate interest. Make the arrangement with Trego, his salary to commence when you may think equitable. If T. is to go to Goochland, that ore is so very rich, you must bear in mind, that it is going to be a trust of great responsibility: we ought to be sure that whoever may be placed there, are men of unquestionable integrity, and of the most regular habits.

I note what you say also of the two Mr. Reeds you now have at Orange; and from what you state, they will be very desirable to have at either of the new establishments; but, my dear sir, should we not be injuring the interests of the Virginia mining company to take them from the Orange mine. We must be careful, in any new engagements we enter into, not to do any thing that can give the Virginia mining company cause to complain of our in any degree interfering with them. If you can hire two, three, or four (as you think requisite) miners that you can qualify, or that can take the places without injury to the Virginia mining company, of some men they may have, I think it will be well for you to do so, that we may have their services elsewhere when we may have occasion for them; and such as you may design to employ, their names must not be on the pay roll of the Virginia mining company; but we must pay their wages, and let the Virginia mining company have their services for their board, which will certainly be doing them no injustice.

When I wrote you in a former letter "to reduce five or ten bushels of ore, and pass it through the amalgamating mills," I supposed you had the set of mills at the mine, and that you had the quicksilver, retort, &c. from Greenwich, and my object was to better enable me to negotiate for the Gordon mine. I really had not the particular interest of the Virginia mining company in view; and, in fact, had it not been for the interest in view of the Gordon mine, I should not have mentioned it, for I am perfectly aware that the directors of the Virginia mining company have no idea of any experiment being made, until you are fully ready. You will therefore see that my proposition was to promote our interest immediately, not theirs; although the experiment most certainly would not be injurious to them; and, as before observed, if it could have been done, it would undoubtedly very much promote our interest. I suppose W. and B. would have made a draft of the mills and geering, as Sabbaton did here, and have made from their drafts; it was perhaps safer for them to have one of the mills before them. I find on inquiry, to my regret, that the mills, &c. from Greenwich are still here, and when you will receive them is of course uncertain; and I therefore see no alternative but for us to wait patiently until you can get your machinery from Baltimore; and I know, my dear sir, that you will do all that is possible for any man to do, to get into operation as soon as possible.

That you may not think we are very unreasonable in our, or my calculations about the Orange mine, I shall annex you my estimate; and if there is any thing unreasonable in it, please advise me wherein I have erred.

I am pleased to note your reiterated opinion of the value of the Gordon and Goochland mines; and I hope with you, that the latter may prove to be the "Gongo Soco" of N. America. I have the most perfect confidence that, at any rate, we shall have such results from that mine, that we shall not have any reason to be dissatisfied with our purchase.

You much mistake my views, my dear sir, and that of the Virginia mining company, in supposing that we think that your salary, in your present laborious and responsible situation, is very desirable. I am well aware that you are liable to a good deal of company, and that your expenses, consequently, are increased; and I am perfectly sensible that what you are now receiving is not adequate. I think, my dear sir, you will be satisfied with the liberality of the company, as soon at least as you get into operation: be assured, they are fully sensible of your services.

I note that you had not closed with Wyatt and Hitz for their interest in the G——d mine: they certainly must sell, for we cannot purchase out all the real proprietors and give them an interest, and then furnish them the capital to go on with mining for their account: it would be very unreasonable. The sums you propose to pay them, is, I think, what they ought to be satisfied with; and I hope to learn in a few days, that you have closed with them.

There has been nothing new said to me by any of the Virginia mining company, in relation to the Gordon mine, and there probably will not, and I most certainly shall not mention the subject of that mine to any of them; and if you have not heard any thing from any of them before this, you probably will not, and that matter may be considered as at rest. I must refer you to my letter as secretary, in relation to the Savings Bank: any deposites that may have to be made on account of any of the men, please mention in your letters to me as secretary for Virginia mining company.

I find I am rather pressed for time, and therefore must defer the statement I intended to have annexed, until my next; and you will probably say this letter is quite long enough for one. Allow me to observe that, in future, when writing to me in regard to either of the Gordon or Goochland mine, let your letters be confined to those mines separately, as I may find it useful, and absolutely necessary, to show the letters respecting those separate interests, and it will be desirable that they should be separate.

Yours, very sincerely,

NATHANIEL RICHARDS.

Y. 4.

N. Richards to Smith, Feb. 8, 1833. Read, &c. Dec. 16, 1834.

NEW YORK, *8th Feb.* 1833.

Capt. WM. K. SMITH, *Locust Grove, Orange County, Va.*

DEAR SIR: Inclosed, I now hand you a copy of an estimate, and part of a report I made under date of the 1st ultimo, which I had not time to make out in season for my last. I made up this report and statement from facts, and after the most mature reflection. I cannot see any reason why we may not realize from the mine at least my estimate; and, in fact, I do not see why not much more. Please examine it minutely, and point out where, in your opinion, I have erred in my estimate. I do not wish to deceive myself or others, in or out of the board of directors of the Virginia mining company.

I think it now proper to advise you, that at the last meeting of the board, I gave them notice, "that at the next regular meeting of the board (the first Monday in March) I should resign my situation as secretary and treasurer of the Virginia mining company, which I have held now longer than the time I agreed to; that I should most probably be absent from the city a good deal the coming season, and that my personal avocations were such that I could not attend to the duties of the station after the period named."

In the first place, I thought I had given as much of my time and faculties for the benefit of the Virginia mining company as I could afford to do, and probably what none of the others will; and as every thing is now so nearly in a state of completion, and comparatively so little depending upon the secretary here, that the interests of the company will not suffer by a change. Who may fill this station it is difficult to say. Mr. Rockwell all would unite in; but I am truly sorry to say, that he has made all his arrangements to leave the city on the first of April for Connecticut, where he intends to reside. There will, however, no doubt, be some person selected and appointed, that will be competent in all respects.

I deemed it, my dear sir, absolutely necessary, situated as I am with the Gordon mine and Goochland mine to look after, with my other avocations, to resign; for I, had I the time to attend to all, there might, and probably would, be jealousy creeping into the breasts of some of the members: that the interest of the Virginia company was not thought as much of as my own; it is therefore undoubtedly best that I should not continue to hold the offices I now do. I shall of course retain my seat in the direction, and I trust retain all the influence I could wish as to the future operations of the company.

I have the pleasure of yours of the 4th, and note with pleasure that you have closed with Wyatt for $1,500, and Hitz for $1,000, at four months. The drafts shall be honored when presented; the first drafts for $2,000 and $6,000, have been paid by me to-day. I am really glad

that we have now got the Goochland mine in our hands, to manage it in all respects as we please, and I trust we may be permitted to make it turn to good account in more ways than one.

I note your remarks respecting the Gordon mine, &c. I do not regret in the least your sending your brother to R. if it will be the means of obtaining a charter for that company. It will most certainly be to our interest to have an act of incorporation which will enable us to negotiate for the lease, or dispose of the stock to more advantage. I have not the shadow of a doubt, as to the final result of that speculation.

I do not regret in the least your having made your contract with the elder Hitz. Mr. Taylor came into my office a few minutes after I received your letter, and I read it all to him, except that which relates to the Goochland mine. I stated to him that I had written to you to engage H. for the Gordon mine, which he approved of, and said that he thought we might as well commence operations there whenever you thought most advisable; so that now we have only to mature the most prudent plan for commencing operations there, and commence when and where, as belonging to us individually, we may deem most prudent.

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. You are under a mistake in supposing that your commission is to be only one per cent. on the nett amount of gold: on referring to the book of minutes, the commission you are to have is two per cent.

Actual results of experiments on ore from Orange mine:

					Grains gold.
From 25lbs. first quality ore, reduced to	6	quarts,	produced		25 1-2
" 25lbs. second "	"	7	"	"	5 1-2
" 25lbs. third "	"	7	"	"	3 1-2
		20	quarts	produced	34 1-2 grs

Equal to 55 1-4 grains per bushel, at 4 cents, is $2 20 per bushel The above experiment, made in severe winter weather by hand washing, and the residuum was estimated at time to contain nearly as much gold as the above; at least, beyond all question, equal to 3 dwts. to the bushel.

Result of 10 *experiments by smelting.*

				per bushel.
1st, commenced by Mr. Bissel and abandoned, resumed and finished by Maffit, 400 grains of ore produced equal to				14 dwts.
2d, completed entirely by Mr. Bissel,			800 grains	261 "
3d, commenced by Mr. Bissel and finished by Moffit, 400 grains produced equal to				45.18
4th, commenced and completed by	M. Moffit,		800 gr'ns	26.10
5th,	do.	do.	800 "	27.10
6th,	do.	do.	400 "	23.13
7th,	do.	do.	800 "	4.12
8th,	do.	do.	800 "	4.12
9th,	do.	do.	800 "	20.00
10th,	do.	do.	800 "	156.08
				dwts. 483.11 grs.

The average of the ten assays is equal to 48 dwts. 8 grains to the 100 lbs. The above experiments show that they were made of the ores of the most inferior quality to the best, with this exception, that none of the above specimens of ores exhibited to the eye any gold. Some might be selected, where the gold is so visible, that it would doubtless produce double the quantity of either of the above assays.

Estimates.

The agents of the company at the mine (who have had great experience in South America and in Germany) calculate, with great confidence, that an engine of twenty-four horse power will have the ability of driving one pair crushing rollers, one upright crushing mill, and thirty-six stamps, with twelve sets of amalgamating mills, which machinery will reduce and amalgamate four hundred bushels of ore per day.

I estimate that the foregoing mills, &c. will reduce and amalgamate three hundred bushels per day; and if the ore produces as follows:—

1 1-2 dwts. per bushel is 450 dwts. per day, at 95 cents, is						$427 50	
					Deduct expenses, say	100 00	
							nett $327 50 daily
2	"	"	600	"	per day, - - -	$570 00	
					Expenses	100 00	
							nett $470 00 daily
2 -2	"	"	750	"	per day, - - -	$712 50	
					Expenses	100 00	
							nett $612 50 daily
3	"	"	900	"	per day, - - -	$855 00	
					Expenses	100 00	
							nett $755 00 daily

3 1 2	"	"	1,050	"	per day,	- - -	$997 50
						Expenses	100 00
							nett $897 50 daily
4	"	"	1,200	"	per day,	- - -	$1,140 00
						Expenses	100 00
							nett $1,040 00 daily
4 1-2	"	"	350	"	per day	- - -	$1,282 50
						Expenses	100 00
							nett $1,182 50 daily
5	"	"	1,500	"	per day,	- - -	$1,425 00
						Expenses	100 00
							nett $1,325 00 daily

300 work'g days, at $327 50 is $98,250, eq'l to $19 65-100 pr. ct. on a capital of $500,000.

"	"	470 00 is 141,000,	"	28 2-100	"	"
"	"	612 50 is 183,750,	"	36 75-100	"	"
"	"	755 00 is 225,000,	"	45	"	"
"	"	897 50 is 269,250,	"	53 85-100	"	"
"	"	1,040 00 is 312,000,	"	62 40-100	"	"
"	"	1,182 50 is 354,750,	"	70 95-100	"	"
"	"	1,325 00 is 397,500,	"	79 50-100	"	"

I assume, as a basis, that the produce of the ore on the average will be only 2 1-2 dwts. per bushel, and that the production for a year of three hundred working days, with the mills, &c. as per annexed estimate, the result will be nett $183,750, or 36 3-4 per cent. on the capital.

There is, I think, beyond all doubt, an abundance of ore that can be raised now or hereafter at a very moderate expense in comparison to the expenses heretofore incurred, and now estimated in the annexed statement, for the supply of 3, 4, 5, or 6 sets of mills, &c. I will, however, only add now one new engine, with mills, &c. that will cost, complete and put into operation, at the utmost, not more than $10,000; and the produce of this one additional engine, mills, &c. will give an additional profit of $183,750, or say, for the two sets of machinery, $367,500, or 73 1-2 per cent. per annum, on the capital of $500,000. If still additional machinery should be erected, it is easy to perceive that the profit may be increased in more than the same proportion.

The advantages of this mining property over the best of the mines in North Carolina and Georgia are immense. It is all within eighteen to twenty-four miles of sloop navigation; very fair roads usually to the principal properties, and wagons passing upon and down the roads daily, within 1-2 to 3-4 of a mile from the mines; a steamboat running from Fredericksburg to Baltimore regularly, so that supplies may be had of machinery, &c. &c. in a few days at any time; a daily stage passing up and down on the Orange turnpike, within about 3-4 of a mile from the mines in Orange county, and a daily communication, mostly by steamboat, between Fredericksburg and Washington city. The mines are reached with ease in 3 1-2 days from the city of New York.

Z. 4.

Read, &c. December 16, 1834.

NEW YORK, *February* 16, 1833.

Capt. WM. K. SMITH,
Locust Grove, Orange county, Virginia.

DEAR SIR: I have to-day the pleasure of your favor of the 10th, and note that you had received a letter from your brother of the 4th, advising that the Gordon mine bill had been referred to a select committee; and I trust that I may have the pleasure of learning in a few days that a bill has been reported and passed one branch of the legislature. I observe that your brother would remain until the fate of the application was known in the lower house.

I have been conversing within a few days with two or three other individuals, about taking an interest in the Gordon mine, and I have also been endeavoring to sell one hundred or two hundred shares of Virginia mining company stock; but I am very sorry to say, I have not been able to make any progress in either; they all admit "the prospects are very brilliant, and was it any thing else but a gold mine they would engage in it with eagerness; but this mining is so very uncertain—is so very precarious—so many have been disappointed—so many ruined, &c. that they had rather not engage in it, at least until we actually know the results of our mills at Orange; so that I have made up my mind that it is useless to attempt to accomplish any thing with the Gordon lease, until we at least have obtained an act of incorporation, and probably until after we have known the results of the mills at Orange; and if they are such, as I have no doubt they will be, I may then, I presume, make up a company, putting in the lease something near its value: and I have made up my mind not to attempt any further effort to dispose of it at present; and I am equally determined that it is our true policy to keep our Goochland mine also to ourselves, and not attempt to offer any interest in it to any one. We certainly cannot prevail on any one now to take an interest in it for any thing near its value, and it is therefore useless to offer it for sale. I have no fears but that may be commenced with by us, upon such a scale as may make it immediately productive, and afford us profit enough to develope it, and probably to pay us what it has cost us during this year, and hereafter we may have that mine in such a situation that its value may in some measure be appreciated, and we may then realize in some degree the value of such part of it as we may be disposed to sell. I hope, my dear sir, you will agree with me in opinion about it, and not think of offering to any one any part of your interest; and I pledge myself to you that I will not part with a cent of my interest without first consulting you, and mutually agreeing upon a sale. I hope soon to hear from you, as to what plan it will be the most prudent for us to adopt, to be sure to make it productive this year, and at the same time give it character for the future.

I am still without any information of the deed or lease of this property that I forwarded to the clerk of the county for record. Have you heard any thing of it? Allow me to ask whether the Goochland mine is not so rich, and the ore so soft, that it may be worked or reduced by some very cheap and simple process, and passed through the almagating mills, or washed by simple rockers, so as to give great results: something like (as you have formerly observed) the few first days' operations of the "Gongo Soco," not that I dare to think that it is hardly possible that the same results from twenty-three days' work of five men should average 1,000 oz. The produce would be entirely too enormous; but may it not be such as to satisfy all our reasonable wishes. I shall hope and expect to be with you in the course of the month of March, and to go on to the premises as early probably as any thing can be done there; but in the mean time we ought to determine upon the plan of our operations, and be prepared to put them in force. Is there any decent house there, where, if I go on with you, or alone, we may be made comfortable for a few days or weeks.

I observe you have paid Townsend B. Edwards $300: this amount is, I presume, on account of the amount of the purchase of lime in the Goochland mine for $650. I am at a loss to know if it is your wish for me to deposit $300 or 650 to the credit of Elizabeth H. Smith—I presume your little daughter. You will recollect that the Savings Bank allow interest of 5 per cent on all funds under $500 and 4 per cent on $500 and upwards. If you wish the whole sum of $650 to be placed to the credit of Elizabeth, I would suggest that it be about equally divided in the Savings Bank and the Seaman's Savings Bank: both of them are perfectly safe. Several of the managers are directors in both institutions. Mr. Taylor is president of the latter, and a director of the former, from its commencement: the latter pays an interest of 5 per cent as yet on all deposites.

The draft you gave to Moss, as stated in your account, has never appeared, without, as I now apprehend may be the case, your draft dated on the 7th December, at 60 days date, in favor of Wm. J. Roberts, for $1000 and drawn on me as treasurer Virginia Mining Company, was to pay Moss.

The above-named draft appeared and was accepted as treasurer, and entered and payed by the Virginia Mining Company on the same day, as the drafts for $2,000 and $6,000 paid by me. Please advise without delay as to the fact of this draft, and if my conjectures are correct, write to me as Secretary, and state the fact that you find you had erroneously drew a draft on me as Treasurer, on the 7th December, for $1,000 which ought to have been drawn on me individually, and requesting that the error may be corrected on the books of the company, &c.

Every one who has seen the lease from Gordon, is struck with the ambiguity of the conditions of the lease, as to what the lessees are to find at their own proper expense, without any charge to the mine. If I understand it correctly, we are to furnish a steam engine, and stamps for reducing the ore, and the buildings for the same, and the

first cabins for the workmen to reside in. Now, what size engine, and how many stamps, and how many cabins was the fair understanding that we were to furnish at our exclusive cost. I presume that the full understanding with Gordon and yourself is, that every other expense whatever in relation to the mining operations on his premises are to be charged to the mine, and to be deducted before he is to receive any rent; and I presume that we are not bound to put on the engine or the buildings, only as we may judge for our interest. Please write me a separate letter in explanation of the lease, that it may be shown with the lease when required.

Yours, very sincerely,

NATHANIEL RICHARDS.

There is no provision in the lease for our right to remove any engine or any other machinery or buildings that we may erect on the premises, in the event of the mines being abandoned in consequence of their not being productive. Is there any understanding upon the subject with Gordon? It would be well, if practicable, to have Gordon give a written article on this subject: it may be more satisfactory, in inducing parties to purchase into the mines, if there was a provision in the lease, as above suggested.

A. 5.

Read and submitted, Dec. 16. 1834.

NEW YORK, 21*st Feb.* 1833.

Captain WM. K. SMITH,
Locust Grove, Orange County, Va:

DEAR SIR: I have a letter to-day from my son-in-law, Mr. J. S. James, of the 16th, in which he says that the bill for the incorporating the Gordon mine had been read that day for the first time, and will be read again on Monday; but I hardly have a hope that it will pass. He also observes that he had been conversing that day with a member from Louisa, who said he should oppose the bill, because he is unwilling to grant an act of incorporation to persons who do not put in any thing as a capital stock, except a property to which they have affixed a value of fifty times its value, and with a view, too, as he said he had been informed, of stock-jobbing. Mr. J. replied to him, that he had been deceived in the information he had received, as he knew the object to be to work the mines. The same member also said, he had been informed that the Orange mine, to work which an act of incorporation had been granted last winter, had been sold for some 80 to $100,000, and that stock had been sold to that amount, when in fact the property was not worth any thing, and that a Mr. James Hart, from the neighborhood of the mines, had been in the city, making an effort to have the act incorporating the Orange Mining Company repealed. Mr. James asked the member if Mr. Hart had given him all the information he had upon the subject. He said he had. Mr. J.

then said he did not know what Mr. Hart's object was, but that he knew that the Orange mine was yet owned by the original purchasers of the Messrs. White, and some six or seven others of their most particular friends, who had been admitted into the company by purchase after the most careful examination of the ore, and that since they had purchased an interest; that not one dollar's worth of the stock had been sold in this State or elsewhere, nor had it been offered for sale; that the present holders were spending large sums of money to lay open the mines; and that they had determined to hold on to the stock until they had made a fair experiment; if the ore should yield a fair profit on their whole capital, and continue to do so, they might then sell at par if they chose to do so; but if the ore should prove to be unproductive, then the loss would be their own; and further, that the money now spent was an actual advantage to the neighborhood, as it was a market for every thing for sale; and that, if the enterprise should fail, it would be the money of strangers that would be lost. The member from Louisa said he was glad to be set right, but said he could not vote for the bill to incorporate the Gordon Mining Company, now before the Legislature. Mr. J. says, "I will try and remove the erroneous impressions made by Mr. Hart respecting the Orange Mining Company, and do what I can to promote the passage of the bill to incorporate the Gordon Mining Company; and I think you would do well to get Mr. Smith to see this Mr. Hart, and learn what he is at."

Mr. James observes that there was a disposition to introduce a condition into all the acts of incorporation granted this winter, to make the whole of the property of stockholders liable for the acts of the company; and very justly observes, that "with such a condition as this, the act of incorporation would not be worth much, if any thing, to you."

I have written him to-day, that I shall be glad to have him use any influence he has to obtain an act, such as we have asked for, but with any condition like that above referred to it certainly would not be acceptable; and have requested him, if the bill is likely to pass in that way, to have it laid upon the table.

Our prospects of obtaining such a charter as we wish, is, I fear, rather gloomy. We shall, of course, soon know the result, and we must then determine what course to adopt in relation to that mine.

Now, my dear sir, who is this Mr. Hart, that is so very hostile to the Virginia Mining Company? Is there such a man residing in your vicinity; and what has caused his enmity? I really had supposed that there was not an individual in Virginia that could feel unfriendly to us, or our enterprise; for if it should prove unfortunate, the loss will fall upon strangers, and if advantageous, Virginians will also continue to derive profit from our enterprise. This hostility of Mr. H. is unaccountable. Endeavor to see him, and remove any hostile impressions, if he is deserving of any notice; and at any rate, take such steps as you may think requisite to counteract any erroneous and injurious impressions he may have made among the members of the

Legislature, either as regards the Gordon mine, or the Virginia Mining Company.

I have received your favor of the 13th, and am sorry to find that you do not confirm my estimate of the produce of the ore from the Orange mine, and must say I cannot see upon what data you estimate 1 a 1 1-2 dwt. per bushel. There has not been an experiment made in any way where the result upon the average of the ores of the three qualities have not been over three dwts. and you estimate that the ores raised are 3-8 of the first, 4-8 of the second, and only 1-8 of the third quality. I must say, therefore, that I cannot see why we cannot, upon any human calculation, expect to realize 2 1-2 dwts. per bushel, which was my basis. 2 1-2, or even 1 dwt. per bushel, will to be sure pay a good interest on the amount of the capital. In about sixty days, I trust, we shall be better able to say whose estimates are the most correct. My estimates were made upon the expectation of 36 stampers and 12 setts of mills reducing and amalgamating 300 bushels per day. You say our present stampers are calculated to reduce about 200 bushels. How many stampers are you now erecting to do 200 bushels? I conclude only 18 for the 6 sets of mills; as your own estimates have been, that 36 stampers and 12 sets of mills would do 400 bushels.

I note what you say in regard to the commencement of operations at Gordon's: as yet, we have not come to any conclusion as to what is best to adopt there; but are desirous, as before requested, to have your views as to the most prudent, and under the presumption that we have to make the experiment.

As regards the Goochland purchase, my object in not saying any thing about it was because I deemed it important to dispose in some way of the Gordon lease before the other was known any thing of here, and there could be no use in speaking of the purchase: it is an affair of my own, and there is of course no obligation to talk to others about it; and if any of the board go on to Virginia, as they doubtless will, in March, or early in April, and hear about it there, I care not about it, as I feel that I had just as much right to purchase shares in Goochland mine, as any others have now in the Virginia Mining Company in United States Bank Stock. I have not shown the ore; because I thought, for reasons before stated, that it was not policy to do so. If you wish me to show your brother Howard the specimens I have, I shall do so with pleasure; and if you have already written him on the subject, perhaps I had better do so. Let me hear from you about it.

Yours, very sincerely,

NATHANIEL RICHARDS.

Mr. Beazley left with Mr. Patton, the cashier of the Farmers' Bank of Virginia, a bar of gold about 445 dwts. to be forwarded on to me when there was an opportunity—it has been there about three months, at least I have heard nothing of it since it was left. When you go on to Baltimore, call on Mr. Patton and take charge of it: you will find some one at Baltimore who will bring it on here: you must

charge the postage on all my letters to the accounts of G—d, Gordon, or Virginia Mining Company, as may be equitable.

B. 5.

Laid before the Board, Dec. 16, 1834.

NEW YORK, 11, *March*, 1833.

Captain W. K. SMITH,
Locust Grove, Orange County, Virginia.

DEAR SIR: I am without any of your favors since your return from Baltimore. I received a letter on the 9th from Mr. James, informing me of the result of our application for an act of incorporation for the Gordon mine—48 noes to the 41 ayes—I must say I am not very much disappointed, from what I had previously heard of the feelings of the members of the House of Delegates, although I exceedingly regret that they did not grant our request, it would undoubtedly have enabled me to have negotiated the sale of the lease on much more advantageous terms. Mr. James observes, "I have no doubt such an act of incorporation as will answer your purpose may be obtained next winter. The application should be made early in the session, and some one interested should be here to give it constant and particular attention, and to be ready to accede to such modifications of the bill as might be agreed on by the members, and yet be acceptable, although not what we could wish:" he also says—"There never will be another act of incorporation granted by the Legislature of Virginia, with the snme privileges as those granted to the Virginia Mining Company, and that he has not conversed with a member, but what is surprised that such a bill should have passed.

I am now anxious to hear from you, after you have had an interview with Mr. Gordon, and obtained from him a written explanation of what is the full understanding of the conditions of that lease, and the right of removing engines, machinery, buildings, &c. from the premises in the event of the leesees not being able to work the mines to advantage, and I beg you to obtain this explanation with as little delay as possible, and forward it to me, on the receipt of which, I think I shall immediately go on to Boston, and see what I can do there with that lease: I feel sanguine that I can negotiate the sale of that lease or part of it, on much more favorable terms in B. than what I can do here, at least for the present, and yet there is no favorable change here in public opinion, in relation to gold mining, and it is not probable there will be, until we are able to show the result of our mills at Orange.

I have for about a week been in hopes that I might have made some negotiation with our friend Mr. Wilder, for 1-4th of the Gordon lease. A day or two after I resigned my situation as secretary and treasurer of the Virginia Mining Company, he observed to me—"that he should like to see the specimens from the Gordon mine, and par-

ticularly those that Upson brought on," (which he had never seen,) which I of course showed him : he was much pleased with them all, and then observed—"that I, now no longer secretary of the Virginia Mining Company, he felt himself at liberty to make me an offer for 1-4 interest in that lease, which, was, that he would purchase (if I was disposed) the 1-4 at the same rate I offered it to the company: I told him that I had offered the property to the company for less than half its value ; that he with others had fortunately for us, declined the offer, that now we were not disposed to renew it, but if he wished the 1-4 on his own account, I would consent to let him have it for $12,500 at 3 and 6 months ; he, as yet, hangs back, and I am by no means sure that he will accede to my offer ; he thinks much of the ore and evidently would like to have an interest in it, but does not like to pay such an advance ; he said "if you will allow me to come in and take a quater with you, in May, or as soon as you begin to have any return from the Orange mine, I will go on with you to Boston, and I flatter myself that we can make up a company there, for the lease, on very favorable terms." I replied to him that I had no doubt but a favorable arrangement might be made there, and that I had long since determined to go there : and that I might very possibly go on there in the course of ten or twelve days, and see what I could do with the lease ; he then observed, "as a friend, I think you had better delay going on until you know the result of the mills at Orange," and there is no doubt, if the result of your operations there are any where near what we have estimated, that the Gordon lease can be negotiated there or here, to much more advantange than now, but if we can dispose of the half or 2-3ds at the rate of $100,000, or a sum any where near it, it would be better to have that in hand, and then drive on the developement of that mine as promptly as we can, and if that mine should prove to be as valuable as we now suppose, we should still participate in the advantages of it. I have not yet told Wilder the result of our application for an act of incorporation ; he knows that we had applied, and concluded that we should have no difficulty in obtaining an incorporation ; how he will feel now I do not know. I have rather made up my mind, that if he makes me an offer of $10,000 for 1-4 to say to him he may have it with your and Mr. Taylor's consent. We must at any rate very soon decide what we are to do with it the ensuing season ; operations I presume may commence there to advantage, about the first of April, and we must soon determine where and how we had best to operate, and I must beg you to give me, as soon as you can your own views as to what you think would be the best and most prudent course to adopt there.

I also wait your views in relation to what ought to be the course of operation at Goochland. I notice that in your last to me of the 19th ult. that you think there is so much fine gold, that there would be a great loss in the use of their rockers; that being the case, the Tyrolese mills must doubtless be adopted. I also observe that you do not think it would be prudent to hire Mr. Trego to go to Goochland : as I have never seen this property, I am, of course entirely incapable of deciding what ought to be our course in relation to it ; and until I have

been on the premises, and am able to state from my own personal observations, what the property is, and the situation and quality of the ore, as seen there, and collected specimens personally, I cannot with any advantage offer it for sale, for I can of course only state what are the facts as represented by you, which although I place the most entire reliance upon all you have stated to me, those who do not know you, will not of course place the confidence in the statement, as they would if corroberated by me from personal observation, and as I have heretofore stated, we must study our interest by delaying the offer of any part of this mine for sale, until we know more about it, a few months hence.

Agreeable to your request, I deposited in trust for Elizabeth H. Smith, in the savings bank, on the 28th ult. $347 06, the balance due on the purchase of Goochland.

The draft to Moss for 1,000 dollars has not yet appeared, as you say when he wants the money, he doubtless will call for it, by his draft being presented, nor have I as yet any information in regard to the lease; it is as you say, probably in the clerk's office, and it may remain there probably until I go on, which will depend upon my hearing from you in regard to my enquiries as to Gordon lease, so that I may be in a situation to go on to Boston with full information before I visit Virginia; and I hope, my dear sir, you will give me this information without delay. Waiting the pleasure of hearing from you.

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. If you should be of opinion that our true policy, in regard to Goochland, is to put up an engine six, eight or ten or twelve horse power, and three, four, five, or six, Tyrolese mills, and some stampers; and erect two or three cabins of logs or frames, and sink one or two shafts; you are at liberty to take such steps to carry the plan into operation as you may think most for our interest. Whenever the machinery may be ordered, contract for it on as long a credit as you can, so that we may not be under the necessity of advancing money for that, before we begin to have returns,

If we commence at Goochland this spring, which I do not see why we should not, we must have some one there who is competent in all respects, and if Trego is really the man we want there, I do not see why he had not better be engaged at once; this of course I submit to you.

Yours, sincerely,

N. RICHARDS.

Allow me again to observe, that in writing about the Gordon mine, do not touch upon any other subject, and let the letters in relation to that be addressed as heretofore to Gustavus W. Richards, but in relation to G——d, addressed to me.

C. 5.

Laid before the Board Dec. 16, 1834.

NEW YORK, 13 *March*, 1833.

Capt. W. K. SMITH,
Locust Grove, Orange county, Virginia:

DEAR SIR: I received yesterday afternoon your esteemed favors of the 8th and was sincerely glad to learn that you reached home in safety, as regarded yourself: and was sorry to learn that Mrs. Smith was a little injured; I was not aware, until now, that she had accompanied you to Baltimore; I hope most sincerely that the jaunt has in the main been of service to her, notwithstanding the severity of the weather. Please to present to her my very sincere regards.

I note your plan of operations at Gordon's, which meets my views entirely, and I have to-day shown your letter to Mr. Taylor who also concurs; you will therefore, without delay, please cause the two cabins to be erected, and hire the requisite number of miners and laborers, and let Mr. Hitz commence his operations there, by running, as you observe, a tunnel into one of the hills, (the south one) so as to cross the vein and meet the shaft, and then if advisable, into the next hill, and meet the other shaft. I trust that in two or three months, we shall be able to form something of an opinion as to the reality of there being veins there of any value, which I have no doubt of: the richness of the surface rocks and the ore from the small veins already cut into, does not admit of a doubt of the final result of operations there; and notwithstanding the very favorable prospects at Orange, I shall not be surprised from the present indications, if the Gordon mine should prove to be of much greater value. As you observe, a year's prudent operations there, I trust will not ruin either of us; and next season we may probably obtain an act of incorporation if we take the requisite steps in good season, and particularly if you are are able to go to Richmond, which was this season impracticable.

Mr. Taylor and myself relinquished or executed the relinquishment you forwarded in order to make good witnesses of Grasty and the two Mr Beazley's, which has gone by the mail of to-day; I have my fears that it may not reach you in time to give the notice in the time you mention; there has been no delay here; I am pleased to find that Mr. Hitz is still of the opinion that the 18 stamps will reduce 200 bushels, and hope most sincerely that his estimate may be realized.

I observe, with regret, that you fear that miners' wages must be advanced to $30, or that the company may lose them; you must of course, adopt such course, in regard to them, as you may deem for the interest of the company; would it not be well for you to make your arrangements for miners, &c. for the Gordon and Goochland mines as soon as you can, and for such a period as you may deem advisiable. The regulations for the goverument of the mines at Orange are

so very admirable, allow me to call to your attention the necessity of drawing up such as may be suitable for the other two mines, whenever operations may be about commencing there.

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. Is it probable that there will be any new mining operations commenced in Virgtnia this season, besides those we are interested in? and if so, please name them to me, and where situated, and who are the proprietors, and upon what scale they are to be started; and please advise me if I can adopt any measures in this section of the country to obtain any miners, to go on to Virginia: and would it not be well for you to request Letcher, Philips, Read, &c. to write out to their friends in Cornwall, advising 50 or 100 of those that are steady, regular men, to come out to this country, where the wages are certainly much better than they get at home; if the mining buisiness is to be extended very much as I think it probable, 200 or more of them, may doubtless do better here than at home.

It occurs to me, at this moment, that the box of ore from Gordon's, and Hamilton's chest of tools, has never been received: allow me, my dear sir, to call your attention to them, and see that they are forwarded.

D. 5.

Read, &c. December 16, 1834.

NEW YORK, 19*th March*,1833.

Capt. WM. K. SMITH:

DEAR SIR: In my last, I mentioned to you a conversation I had with Mr. Wilder, in relation to a sale to him, of 1-4 of the Gordon lease; yesterday, and again to day, he has called upon me, and expressed a great desire that the Virginia Mining Company should own the Gordon lease, that, in his opinion, it would be for the interest of all, that it should not be a separate concern, as it could be conducted under the charter of the Virginia Mining Company; that you could have, or give the direction of operations there, &c. &c. and then observed, "that if I would consent to take the price that I had offered it at, $30,000, (which he always thought the other parties ought to have accepted,) he would call the rest of the concern together, and convince them that it was for their interest to have that lease: that four of them were in favor of purchasing before, and the other three, he thought, he could now easily convince, that it was for their interest to take it; and if they declined, he would agree to take their part in it." He said: "he would not give more than at the rate of $30,000, and although he thought very favorably of the property, from the representations of you, Upson, and myself, and from the specimens, he had rather the company would have it, than to have a quarter at the same rate."

On conversing to-day, with Mr. Taylor, I find he is much in favor of making the sale, and I am well aware that you have always been of the opinion that this property ought to belong to the Virginia Mining Company, and I have, therefore, this afternoon, told Wilder, that if the members of the Virginia Mining Company request the priviledge of taking the lease at $30,000, I will consent to make the sale, if you approve, and that I would give the same credit that you would, which, I would venture to predict, would not be more than 6 months; he says "he will have the party together to-morrow, and feels confident he shall be able to make the arrangement, and he hopes with the ready assent of all."

Now, my dear sir, I give you this information, that you may be prepared to give such an answer as you may think best, to any propotions that may be made.

I have been more ready to acceded to this proposal of Wilder's, from the fact of the uncertainty of obtaining a charter on such terms as would be acceptable to us, and also, from the difficulty I have found in inducing any others here, as yet, to engage in any new mining concern; and still more, by the fact, that within a few days, one of my Boston friends (on whom I have always relied upon making up a concern with me there, if I went on) has been here, and I sounded him on the subject of taking an interest in a mining concern: he observed, that he would like to take an interest with me, in such a concern, that I could seriously recommend; but that now, he and all his friends, were up to their necks with manufacturing engagements, and really could not engage in any thing new at present, however promising in prospect. You will, therefore, see that it will be of little or no use for me to go to Boston at present.

If the Virginia Mining Company make the purchase, you will observe that it will be exactly $6 each share: to you, it will be a sure operation of $12,000 out of that lease, including what Mr. T. and myself have paid you. Mr. Taylor will receive, say, for his 1-3, $10,000, and will have to pay on his 1,000 shares at 6 each, $6,000 leaving him a cash balance of $4,000, and still retaining 1-5 interest in the lease; when I, in fact, shall lose money by the operation, as I now hold 1525 shares in Virginia Mining Company.

My assessment, at $6 each, - - - - -	$9,150
Amount paid you for 1-3 - - - - - -	1,000
	10,150
And if the sale is effected, I shall receive for my 1-3	10,000

so that I actually lose $150, and have an interest in the Gordon lease of only 1525 shares instead of now 1-3, or say equal to 1666 2-3 shares.

Although, my dear sir, if we make this sale, you will not realize as much out of the property as I have flattered myself you would, yet, you will most certainly realize a very handsome sum out of it, enough to pay for your 1-3 in the Goochland, and to put that in operation.

If the sale of the Gordon lease is effected, I think it would be highly desirable to all the concern that you should have some interest in the concern again, and I will relinquish to you 25 shares, at the same I paid you; you, of course, paying in addition, the assessments that I have paid on them since. I think it highly important that it should not be known to any one, that any negotiation is on foot for the sale of the Gordon lease, and particulatly, now, or hereafter, (if sale is made,) at what price it has been effected: it never ought to be known in Virginia, and only among the concern.

I have pretty much made up my mind to leave here on Monday next, for Virginia; whether any of the concern will go on with me, I do not know. The secretary I shall recommend to go on, as, without he has some personal knowledge of the property, he cannot, of course, correspond understandingly about it. I am aware that it is rather early to go on, but I am anxious to go on to see my daughter Catharine, and I can go on now, and be gone four or five weeks (if requisite,) than a month hence. I must be home, here, on the first of May, or a little before. When I do go on, I shall of course, see you first, or before going on to Richmond, and confer with you in relation to Goochland mine, &c. &c. How the gentlemen will feel, when they come to know about that mine, I do not know. I think, on the whole, it would be well to give all of them about the mine, a caution not to make any remarks whatever about that mine, if any of the concern do go on; but if they should learn any thing about it, and make any inquiries, then state the fact, that I have purchased up all the shares in that mine, without mentioning the price paid, without it is requisite. I feel perfectly conscious, that in making this purchase, we have done nothing more than we had a perfect right to do, and what either of the others would do, under similar circumstances: yet I have no doubt, if they know what a bargain, in prospectus, we have got, they will feel sore, because they have not got an interest in it too; and yet, if the proposition had been made to them, at the time it was to me, a week or two deliberation would have been required, and then declined, saying, we have mines enough; and if any one or more persons in Virginia owned that mine, and if it should produce one or two millions per annum, they would not care or say any thing about it; and yet, as it has changed hands, and come to mine, or ours, they will, I have no doubt, have some heart-burnings about it, when known, as it it must be sooner of later.

I have not, as yet, had an opportunity of realizing any thing on my mining stock, and am consequently, largely in advance (including my purchases of you and Mr. Taylor.) I really should be glad to sell 3 or 400 shares, if I could obtain an offer for it that was any ways liberal; but the fact is, as yet, there are no offers for the stock, and I do not calculate there will be any, until we can show some actual returns from the mills; and by the purport of your letter, received by Mr. Bingham, yesterday, I fear we shall have nothing from you before the middle of May. I was pleased to learn that the Germans who left, were no great loss, and that you are now well supplied with miners, &c.

The draft you gave to Moss, dated 7th December, at sixty days, for

$1,000, appeared yesterday, and was honored of course. Itwill not be necessary for you to reply to this, as, if I go on Monday, it will not leave here before I leave.

Yours, sincerely,
NATHANIEL RICHARDS.

E. 5.

Read at request of Plaintiff's counsel, December 16, 1834.

NEW YORK, 22*d March*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: At a special meeting of the directors of the Virginia Mining Company, held yesterday, there was a resolution passed, authorizing the purchase of the Gordon lease from the present owners, for the sum of thirty thousand dollars, payable the 15th October next. The Virginia mining Company assuming the contract entered into with Mr. Hitz, senior, or any other contract entered into, or expenses incurred, in relation to the Gordon mine, since the 15th ultimo, it being expressly understood that you are to assume the general management of that mine, as well as the Orange mine, keeping the accounts, &c. without any extra charge, except that you will be entitled to the per centage on the produce of that mine, the same as under the agreement for the Orange mine.

As I had no authority to enter into this contract on your behalf, I was requested to make this communication to you, and it is for you to say whether you will accede to the proposition or not. Mr. Taylor and myself have agreed to the sale, if you approve. I am aware that it is a much less sum than we believe it is worth, and have calculated that we should realize for it: I therefore, do not wish to influence you in your decision. You must decide for yourself; and whatever may be your decision, you will please communicate it to Mr. Taylor, that he may inform the board of directors, as I shall, in all probility, be on my way to Virginia before an answer can be received. Allow me to caution you not to let any one know of this offer, whether you accede to it or not, for it doubtless would have some influence upon people's minds in your vicinity, as to the value of all mining property, and possibly excite, at least the sensibility of the judge, in his decision on our suit against Tinder. I think you cannot be too careful on this subject.

I hope to be with you next week, when we will confer on all subjects in relation to the interest of the Virginia Mining company. Mr. Bingham will accompany me, that he may have full information in regard to the property of the Company, and can, of course, then correspond with you more advantageously.

Yours, very sincerely,
NATHANIEL RICHARDS.

If you decide to accede to the proposition of the Virginia Mining

Company, the consummation of the sale must, of course, be left until after my return from the south. You will send your answer to this proposition by return of mail, if practicable.

F. 5.

Read, &c. December 16, 1834.

NEW YORK, *March* 22, 1833.

Captain WM. K. SMITH:

DEAR SIR: I refer you to a letter I have written you to-day, in relation to the offer of the Virginia Mining Company, for the purchase of the Gordon lease. A copy of that is with that Company.

I now, my dear sir, advise you under all circumstances to accede to the proposition. It will be securing to yourself a very handsome sum of money, and placing that mine in the hands of the Company, where you have always thought it ought to be; so that, in the event of any accident, they should be prevented from operating at Orange, (Gratsy's,) they may have another one to resort to. It will be some extra charge to you to organize and direct the operations there; but it will be no more for you to do it for the Company, than you would have to do if we retain it, and work it on our own account.

I again repeat, let nothing be said about the sale of this lease: all that it will ever be necessary to say in relation to it, will be, that we have turned the lease over to the Virginia Mining Company; and I would again urge, that all be cautioned about saying any thing in regard to the Goochland purchase—at least, for the present.

Yours, very sincerely,

NATHANIEL RICHARDS.

G. 5.

Read and laid before Board, Dec. 16, 1834.

RICHMOND, *Monday*, *April* 8, 1833.

Capt. WM. K. SMITH,
Locust Grove, Orange county, Virginia:

MY DEAR SIR: I arrived here on Saturday night, and had the pleasure to find my daughter and Mr. James very well. His sister and the youngest child has the remittent fever—their nurse has just got about from the same disease: there are so many invalids in the family, I am fearful that I may not have the company of my daughter home with me. I shall remain here until the last of the week, in hopes she may go on.

I left Charlottsville on Friday morning at two o'clock, and came on to Weaver's, six miles from Wilmington: here I left the stage,

and took Mr. Weaver as pilot, and went to Col. Bowles', who accompanied me to the mine. We found a young man there by the name of Ganet, examining among the rubbish from the rockers for specimens of ore with the gold visible. We found a number of specimens that are rich, which shows what the ore is. Garnett told us that his father and himself, with Moss, had completed the day before the washing of the ore that had been collected before my purchase, and which Bowles told me was the understanding when you made the purchase, that they had the right to do. There was no new appearance of any new new operations there, and I told young Garnett, that after that day, he or no one else must be there in search for gold, even among the rubbish. He told Bowles that Moss talked of carting off the rubbish to reduce. I have but little doubt it would pay for reducing, after screening off the pebbles, &c. The pits had been dug on the vein, were full of water, so that I had no opportunity to see any thing there, only where others had operated for surface gold, and the general features of the premises. On our return from the mine to Col. Bowles' house, we fell in with a Mr. Fisher, who had conducted the mining operations at the mine. He told me, as did Col. Bowles, that with the one rocker there now, and seven hands employed in digging, &c. they washed 500 bushels per day, which they persisted in stating, that they did not over-rate—there must be, I think, some mistake in the quantity. F. said that he was now using an improved rocker, but I cannot describe it to you. He said he had heard much of Davis' rocker, and from what he had heard, he thought favorably of it. F. said, among all the mines he had seen, he had never seen any ore that was in any degree to be compared with this, and that I had purchased a great fortune.

I found the roads so intolerable bad, that I felt no disposition to go back there again, if not absolutely necessary: I therefore made all the inquiries that I deemed necessary. I found a carpenter decently settled on Bowles' land, about a mile and a half from the mine, which B. speaks very well of. He offered to build two log cabins 14 ×16, hewed, chinked, floored, and shingled roofs, for $150; and if framed, covered with scantling, ceiled inside, floored, and shingled, for $200. He would not engage them with the chimneys. Bowles said there was a mason within a few miles, that he had no doubt could be procured to build the chimneys of stone or brick, and Col. Bowles said he would with pleasure attend to the ordering of the cabins as you may direct. He advised the log ones, and observed the two log cabins now there, might very soon be made so as to answer as well as any new ones; and I think they might be made to answer for this season, to start with; but two new ones of frame and log may be required, as you may direct.

Duval's saw and grist mill is 1½ mile from the mine, and 1 inch plank may be had at 75 cents per 100—1 inch at $1—scantling also at $1. Hands, Col. Bowles and Fisher informed me, were ordinarily to be had at $6—just now they are rather scarce, and there might be some difficulty in procuring now good hands.

Corn may be had $3 and 3 1-2; bacon, 9 and 10 cents. Mr. Pau-

nell (Hodgson & P.) told me they would be pleased to furnish any thing that might be required for the mine as low as any one—the account to be made up on the 1st January, and then take a draft on me at 90 days. I told him that my object, of course, was to procure every thing I could on the best terms—that the agent who would have charge of the mine would probably give them the preference, if on the same terms as others.

Bowles will furnish an ox team to draw any thing that may be required at $3 per day; and he said he could not do it for less—there may be others that will.

The deed of trust has not been taken up, and B. tells me (as you did,) that Moss is an unprincipled man. I requested him to negotiate with M. for the purchase of the fee on the best terms he could; not to exceed $4 per acre, he must recollect that, subject as the land was to my lease, that it really was not worth but little to any one else, which he admitted, and said he would not purchase it at two dollars. B. observed that the balance due on the deed of trust was $700, or thereabouts, and was due in September next, and that if I did not make the purchase of the fee, I must, without delay, secure the deed of trust in my hands, as there was a rumor that M. intended to have the plantation sold in September, under the deed of trust, and in that case, I might be compelled to pay a great price for it. B. is to advise me what he can do with M. and if there is nothing done with him, then there must be no delay in seeing Dabney Waller, near Waller's tavern, Spottsylvania, who holds the deed. I shall advise you as soon as I hear from Bowles. If Trego should arrive at Orange before I return, you must give him such instructions as you may think best, as to the commencement of operations at Goochland; but I must request that they be upon a prudent and moderate scale, and if the operations can very soon be placed so that gold can be obtained there to pay the expenses of operation, it certainly would be very desirable; and it occurs to me to suggest whether, (the ore being so very soft) some more simple machinery may not be used for reducing the ore, than the stampers—we have time enough to confer on this, when we meet.

I have this moment yours of the 3d, and note its contents. I regret exceedingly, that Patton is engaged by Tinder: he is certainly fortifying himself by counsel very strongly—you had better write immediately to Morton, and let him know what counsel are opposed to us, and that I rely upon his best exertions for the protection of our interest; and you are at liberty to engage any additional counsel that may be deemed requisite—I will see Mr. Stanard as soon as I receive the papers, and perhaps before.

I note that you have lost some more miners, which I much regret. I will write you as soon as I can learn what they are getting here.

Yours, very sincerely,

NATHANIEL RICHARDS.

H. 5.

Read and &c. Dec. 16, 1834.

RICHMOND, *April 10th*, 1833.

Capt. WM. K. SMITH,
Orange county, Virginia:

MY DEAR SIR: I have to-day your favor of the 8th, and note what you say about M. Morton; I sincerely regret that he is not able to give his attention to our Tinder lease suit—shall be glad to learn that Mr. Marye is engaged on our behalf, and were the papers here, I would call upon Mr. Stanard to-day; but, until I have them to lay before him, there would be no use of seeing him—there are lawyers enough here of the first stamp, that I can engage if requisite in our behalf.

I have a long letter to-day from Col. Bowles, giving me the particulars of his negotiation with Moss for the purchase of the fee of the lease, and a copy of the contract entered into by Moss to give me a clear title to the property at four dollars per acre, and giving me twelve days to give my decision. I have concluded to leave here in the morning, and go back to Col. Bowles' and complete the arrangement with Moss. I am well satisfied that he is an unprincipled man, and it is therefore, the more requisite for me to have the power of controlling the property entirely, and in the event of our offering the mine for sale, it would undoubtedly make a great difference in the value of the mine, much more than the additional charge or amount—I shall have to pay for the fee.

My calculation is to return here as soon as I can complete the papers, and any letters I may find here from you requiring my attention, will be attended to immediately.

I note the results of the examination at Robinson's—also the letter you have received from Mr. Taylor; I am not much surprised at his enquiries about "Smith's mine," am sorry to learn that Young's foot is so much injured—I am pleased to find that you are ready for the boilers, and hope they may have arrived at Fredericksburg at least, and shall be pleased to learn that they are at the mine.

Yours, sincerely,
NATHANIEL RICHARDS.

I. 5.

Read, and submitted, December 16, 1834.

[Private.]

NEW YORK, 2*d May*, 1833.

Capt. WM. K. SMITH:

I have the pleasure to say to you, that I reached home in safety on

Tuesday and found my family all in usual health: yesterday I felt a good deal unwell, but went down to the office of the Virginia mining company, as I was aware of the great anxiety of the company to see me, and know every thing in relation to the mine. I found them all in good spirits; they are extremely gratified at the purchase of the Tinder property; the result of the assay of the ore that produce the enormous rate of $18,380, with another since taken to Moffit by my brothers, Guy and Geo. of what they selected with Rockwell, as the inferior ore, or as they judge much below the average of the ore, which yielded a little rising 5 dwts per 100lbs. has given to all of them great confidence; even Rockwell, (who has gone to Connecticut) I learn was ashamed of himself, at his weakness and folly in selling out so much of his stock at a low price. I learn that Charles has sold 20 shares at 50 per cent. premium, and 30 shares at not less than 80 per cent. premium, on long credit, but the purchasers are not willing to have their names known at present, as they feel as though it would not add to their reputation. Wilder has sold 50 shares of his stock that he purchased, at 25 per cent. premium, payable in October, but the purchaser is not willing to have his name known, at least for the present; thus my dear sir, you see that Virginia mining company stock begins to be appreciated, but at the same time, it is considered to be disreputable as yet, to be known to be engaged in gold mining. I trust, however, that the time is not distant, when monied men here, will be anxious to have some interest in the Virginia mining company stock, and will not be ashamed to have it known. I find that the result of the brilliant assay by Moffit is much spread abroad here, by W. M. and Curtis, who say if they had $500,000 to spare, they would be willing to put it in the mine; such opinion from such men, will have its influence.

I am just now in receipt of your three favors of the 27th, 29th and 30th, and note their contents, and am pleased to find that you were disposed to take 25 or 50 shares of my stock at my offer of 25 per premium, and pay assessments. I am sure it will have a strong additional influence upon the value of the stock, which you will observe by the preceding, is now beginning to be appreciated; and I presume I shall very soon be able to effect sales on more favorable terms, than I have offered it to you. I shall consider 50 shares as yours, at 25 per premium, and you to pay my assessments from the time I made the offer to you, and we will settle hereafter as to the sale of the stock for your account. I am sure you will realize a good profit on this operation, and at the same time I am confident it will promote my intererest by adding to the general value of the stock.— I note with much satisfaction, what you say as to the prospect of the mine since I left, and about Tinder family, and your views of operations there, which meets my views entirely. I also note what you say in relation to Moss; I was sure from all I had heard Clark had got the bonds and deeds of trust from Waller. I trust however, we shall be able to defeat in some way, the nefarious plot of Moss to swindle me. I am, on the whole, glad you have sent Trego on there,

with a miner to make a beginning and to take possession. I have no time for more before the closing of the mail

Yours, very sincerely,

NATHANIEL RICHARDS.

P. S. My brothers, I learn, calculate to leave here on or about the hopes of seeing the mills &c. in operation.

K. 5.

Read, and submitted, Dec. 16, 1834.

NEW YORK, *8th May*, 1833.

Captain WM. K. SMITH:

MY DEAR SIR: Mr. Wilder informed me, that some days before my return, he gave young M. Hotlinguer a letter of introduction to you. M. H. is a son of the rich Parisian banker, whose house Mr. Wilder represents in this country. Young H. is, I learn, a man of of science; a great mineralogist; has an iron mine in France that his father purchased for him at 200,000 francs: he has spent much time in examining most of the mines on the continent of Europe, has recently arrived here from Mexico, where he has been for the purpose of making personal examinations of the mines of that country, and has now gone south, for the purpose of seeing the country generally, and more particularly the mining region. Wilder tells me, that he has a letter of credit on him for $50,000, should he has occasion for it for for the purchase of any mine or mines in this country.

Now, my dear sir, allow me to request, that you will pay Mr. H. (who speaks English well, I am told) somewhat marked attention, as far as you can, giving him an opportunity of seeing every part of our mine at Orange; the Tinder tract, with all its advantages; the Gordon mine, and all its great advantages, and go with him to White Hall, and to the Duval tract. On his examination, of all this property, I think such an impression may be made upon him, that great value may be given to our stock in his opinion, which would be of great importance in establishing it abroad. As yet, I do not wish to name Goochland to any one; when we have that somewhat developed, then will be time enough to speak of that. There has been no sales of our stock since my return; all now have full confidence, and there is no stock for sale. I have not heard of any offer being made for any, but the person who purchased of Wilder and Charles, and who was unwilling to have his name known, proves to be the same individual, Gurdon Buck, one of our most prudent merchants, about the last man in the community I should have expected to purchase "gold mining stock." He is willing now to have his name known, as well as Charles A. Davis, (of the house of Davis & Brooks) and at the meeting of the board on Monday, they were elected Directors; the stock will soon move at near its value, and as before observed, I shall sel

a few hundred shares, when I have any offers; it will not do to offer it for sale.

How would it do for you to get Strongfellow to extend the privilege of accepting of his offer of his premises for an additional 10 days, and having secured that, so that there would be no chance for him to back out, invite young H. a month or six weeks hence to call upon you, and then go with him to Stringfellow's place, and we may perhaps make a negotiation with him, and make $10,000 or 20,000.

I am anxious to hear again from you, and particularly in relation to G——d. Yours, very sincerely,

NATHANIEL RICHARDS.

L. 5.

Read, &c. Dec. 16, 1834.

NEW YORK, *9th May*, 1833.

Captain WM. K. SMITH,

MY DEAR SIR: I have this moment yours of the 4th and 7th instant, and am much pleased to find that Messrs. Green, Walcot, and Davison, have been with you, and were so much pleased with the establishment, as every one must be who sees it. I have also to-day a long letter from Mr. Davison, dated at Fredericksburg on the 7th, giving me a little history of his visit to the Orange mine; expressses in strong terms, of the kind reception he received from you and your amiable family; and as regards the mine, and the whole establishment, you or myself could not wish him to say more. He says "there can be no doubt but that the Virginia mining company bear off the palm from all the other establishments in the United States;" nor have I seen, I may say in any country, where so much has been achieved by the same expenditure of time, labor and money.

I note the information you had received from G——d, and that Clark has lodged the deed of trust in the clerk's office.

I was truly glad to learn that the engine was in successful operation, and that you would start the next day for G——d. I hope most sincerely that you will bring the business to a close, so that I may have a perfectly clear title to that property. Moss, &c. are such rascals, that it is more and more important that I should not be subject to come in contact with him, and I really hope you will obtain a perfect title in all respects to that property, even if you have to give $1,000—$2,000 more for it, than was contracted for by Col. Bowles on my account: he (Moss) said something to me about purchasing a piece of land adjoining the other, of 100 a 200 acres; if the purchase of that can be the means of obtaining a satisfactory deed of the other, do not hesitate to purchase that also in my name.

The holding that mining property in fee, may be of vast value to me in the future disposition of this property; and I again repeat, obtain the deed if practicable.

The letter of Davison will undoubtedly add to the value of Virginia mining stock, and will undoubtedly make it more in a day or two, as soon as I show the letter; I shall advise you as soon as I make any sales. There is no time to say any thing about G——d. If you get a deed in fee, rest assured, my dear sir, that with a little patience, you will be satisfied with my future management in regard to that concern.

Brother Guy and wife, Charles and wife, and his daughter, a young lady grown, expect to leave here on Thursday next, and be at the mine on Saturday, 18th; they calculate to go to the Major's, and Charles has written him to that effect, and you had better let them go there; in fact, I see no help for it; it would be out of of the question for you to accommodate them.

yours, sincerely,

NATHANIEL RICHARDS.

M. 5.

Read and laid before the board, Dec. 16, 1834.

NEW YORK, 11*th May*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: The private letter to me from Mr. Dickson, representing his views of the Orange mine, and its prospects, has produced a strong impression upon all the gentlemen of the company, and the contents of the letter has been communicated, I find, to some others, and to day there has been a number of enquiries in relation to the mine, and several gentlemen have been into the office to see the specimens of ore, and enquiries as to the amount of capital; the result of the assays made; when the mills &c. will be in operation &c. &c. and if there was any stock to be had; and I have been called upon to-day, by a broker, to know if I would sell some few shares; I told him I would, if a price any thing near its value was offered: he said he was requested to call upon me, and I have no doubt who sent him, and I flatter myself, I may have an offer on Monday, that I may accept, and if I do so, I shall advise you.

Dickson, in his letter, speaks of an improved frame North Carolina rocker, for deposite mine, as saving the finest gold with a great economy of labor. He says he has conversed with you about it. Now, my dear sir, if you consider this a decided improvement to the rockers the company have at Whitehall, you had better let Willis make one or more of them immediately for Whitehall; I have said immediately; I meant as soon as you can spare time to attend to it, after you get under way with your mills, &c.

I have not mentioned to any one the receipt of your letters of the 4th and 7th, advising of the starting of the engine, and the visit of Mr. Greene and Wolcott, although they are both well calculated to add to the value of the stock, but as both of them speaks of G——d, &c. I concluded that it was best to keep them to myself; the company would be anxious to know more than I am willing to let them at present. I hope Bingham and myself may hear from you on

Monday, as they feel very anxious to hear that the engine is started, &c. Your draft, for $2,500, dated the 9th, appeared to day, and they think it a little strange that there is no letter from you. Your draft, for $8,000, has also appeared.

Yours, sincerely,
NATHANIEL RICHARDS.

P. S. Please advise me where Mr. Trego has located himself to board, and what are his first movements at G——d; also advise me how I am to address him; I mean what post office.

Rockwell has been here attending the public anniversaries, and has returned with as much confidence, in Virginia Mining Company stock, now, as any one. He has retained 100 shares. I hope, most sincerely, that my brothers may return with a few bars of gold from the mills. Make every possible exertion to have the mills in operation, and use the first quality of ores; a good commencement will be very important to the future prosperity of the company, or to the value of the stock. Tell Mr. Hitz that as soon as the mills are started, and the result is satisfactory, I shall lay before the board his proposition, in regard to his Swiss or German friend, to take the charge of the Shaking tables, &c. I have never heard from Mr. Chapman, with the deed from Tinder and wife, to Mr. S. and myself. I wish you would send some one to the office for it, that I may receive it, and make the conveyance to the company.

N. 5.

Read and laid before the Board, Dec. 16, 1834.

NEW YORK, *May* 16, 1833.

Capt. WM. K. SMITH:

DEAR SIR: I have yours of date, but marked on the 14th. I made a mistake in writing to you, in relation to Mr. "Wolcott and Dickerson;" I meant Mr. Wolcott Huntington, who accompanied Mr. Green, and Mr. Davison is as you supposed. Mr. Huntington I am well acquainted with, and all his family. Mr. Green I only know by reputation, as highly respectable, and as the son of the late Gardiner Green, of Boston, and is undoubtedly a man of property; Huntington is a man of small means.

I am pleased to find that you intended to leave the next morning for G——d, and shall be highly pleased to learn that you had returned, and that you had succeeded in obtaining the deed of trust and bonds, and a full deed in fee, from Moss and wife, of the G———d property; for, until the deed of trust is cancelled, and I am in actual possession of a deed, it will be utterly useless to attempt to offer the property for sale, or any part. I could not ask any one to take an interest in it, the lease, without stating the fact, that there was a deed of trust upon the property, of prior date to the lease, and that

the trust deed was in the hands of a man who would give me as much trouble as he could. Situated as the property now is, I am sure it would be useless to attempt to do any thing with it. Release the property from its present embarrassment, and then I may find some one who may be disposed to purchase out your interest, at your offer of $24,000, or $12,000 for the one half. Have a little patience, my friend, and you will realize all your reasonable wishes in regard to this property, at least if I can show a clear warrantee deed in fee. I observe that you have a letter from Trego; that he has the house ready, but finds it difficult to procure hands. I like your suggestion of causing an advertisement to be inserted in the papers, for miners in Virginia; I will see that it is attended to.

I also note that "Reynolds, Thompson, and Love," are at Pottsville, Pennsylvania; fools, they did not know when they were well off at Orange; they may yet return there.

I perceive you have some anxiety about Guy and Charles learning about G——d; it is a subject that gives me no great uneasiness. I certainly should prefer that they, or no one here, should know any thing about that mine, until I have a good title to it, and until the Orange mine is in successful operation, and I have made sales of a few hundred shares of my stock, after which I shall have no objection to its being known that I own the G——d mine; and as regards yourself, if G. & C. should hear any thing, and make any inquiries of you, you can state the fact that I had purchased out all the parties who had held the property by lease, and that I had also purchased the property in fee, when I was in Virginia, and arranged, through Mr. James, to pay for it; and if you get a deed of it, you will only have to state the fact to any of their inquiries, "that I had made a purchase of a mine in G——d, when I was in Virginia;" and if any inquiries are made of you, whether you are interested, you can state that it is a purchase of mine, you have the privilege of taking an interest in it. Give them as little information as you can avoid, and nothing as to the amount paid for shares or for the fee.

As yet, no more sales of stock; all those now interested have full confidence, but not inclined to purchase any more, and will not name a price to sell. Several are making minute and anxious inquiries about the stock and prospects; they think the prospects are very brilliant—feel a great desire or itching for some of the stock, but then again it occurs to them "that it is a gold mine," and they are afraid it will turn out to be a bubble. Some would like to have an interest in the concern, but then they are fearful it would affect their credit in the banks, so they dare not purchase. Wilder, and all whose opinion I value, agree with me that it would not do to put any in the hands of brokers, to offer it for sale, but be ready to meet any that offer to purchase, and as soon as the public learn that the mills are in operation, and that they are really performing satisfactorily, then the stock will be sought after, and holders will not be afraid to have it known in banks, or any where else.

I shall forward, by Guy, the last number of Silliman's journal

for you, and also one for Beazley; it is an interesting number; please present my respects to the ladies, and your brother.

I have not heard any thing more of the broker I referred to in one of my late letters.

Yours, very sincerely,
NATHANIEL RICHARDS.

O. 5.

Read, &c. Dec. 16, 1834.

NEW YORK, 18 *May*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: I again advise that my brothers Charles and Guy, with the ladies, leave here on Monday, and calculate to leave Philadelphia on Tuesday morning, taking your mother in company from P. and will I presume be with you on Thursday morning. I have advised them, on arriving at F. to make an immediate agreement with the stage agent to take them to the mine, which I presume they will do at $2 or $3. It will be the most comfortable way for them to reach the mine; but how, my dear sir, you are to accommodate so many of them with your own family, I must say I am much at a loss. I hope so many of them will not make you a long visit. In your last you mention that you had seen Dickson, since he had been to Whitehall, but you do not make any note of his observations in relation to W. H. I shall be pleased to learn his opinion in relation to that place, and his opinion as to a vein there. Please, also, give me your opinion to the "Improved North Carolina Rocker," mentioned by D.

I will here observe, that any communications you make to me, that you wish to go to the Virginia Mining Company, you had better make to the secretary. There are some events, that you mention, that I would like to state, but I fear they may, (some of them,) wish to see the letter, and, as most all of them are in regard to our private concerns, I say nothing about them; this for your government. I mentioned to the board, the deficiency of the deed from Tinder, and that a new one was drawing by Williams. I hope to receive it soon, duly executed, that Mr. T. and myself may make the conveyance to the company.

Mr. Bingham showed me a private letter from your brother, in relation to the resolution of the board, increasing his salary from the 1st of May, instead of 1st of March. On offering the resolution, I really thought I meet B.'s views as well as your own; he asked, as I thought, an increase of compensation, in consequence of the extra services growing out of the Gordon lease mine; and as the operations commenced there only on the 1st May, I named that period, believing it would entirely meet his views. I told Mr. B. he had

better not lay the letter before the board; the difference will be trifling, and if things go on well, all will be well.

As yet, no sales of my stock, and no offers. Charles has sold 5 shares, and I believe at about $200 a share, but he will not say how much. We have called in another assessment of $1 per share, which will meet all payments until after the 20th June, by which time, I flatter myself, we shall be receiving remittances from you, to meet all future calls. I am exceedingly anxious that you are all in order and in operation, and I hope, most sincerely, that the first results may be most brilliant, although the stampers, mills, &c. will, no doubt, do better after a little practice with them. The value, not only of Virginia Mining Company stock will be much increased by the successful starting of the mills, but it will of course add very much to the value of G——d; and allow me again, my dear sir, to suggest to you, use your best ores, as long as the have an abundant supply of that; the second quality may be worked up when you have not a supply of the first, and the third when there is a deficiency of the second. As soon as the mills are started, and the result is any ways favorable, there will be plenty of purchasers of the stock in gold mines; there are evidently many now that are anxious to have some interest in the mine, but dare not as yet. Guy and Charles will tell you how the public feel on the subject. Carvills tells me that the "two Mr. Greens, two Mr. Quimbys, and a Mr. Irvin, (or some name like it, in N. C.) have purchased five-sixth of Pennimaus's mine, in North Carolina, and paid him $37,000; the mine is under lease, and the lessor is entitled to one-seventh of the gross gold obtained by way of rent." It is very evident that the Greens are under high pressure for gold mining. Carvills say, "that their company's operation are to be confined to the Moore mine; that it is 28 feet wide, very rich ore, easily reduced; the metal worth about 60 cents the dwt. the deepest shaft they have is only 50 feet. Mr. Grundy, (the copper miner I mentioned,) is to return to N. C. to open the mine, &c." If I am not much mistaken, he is not such an agent as I should want in charge of any concern of mine; he may be a miner, but he is certainly not qualified to take the general directions of a mining establishment. I think, from his appearance, has no dislike to brandy, whiskey, or any strong beverage.

Yours, very sincerely,

NATHANIEL RICHARDS.

Our friend Wilder is surprized at the visit of young H. he thinks he intends returning again to see you, and must have had some object in view by starting off so suddenly; he has not heard from him since he left Philadelphia: he examined the ores of the Company at the office before he left here, and Wilder said his observations in relation to them, were that of an experienced mineralogist, and he expressed himself as highly delighted with the specimens, that the ore was rich, very rich, much superior to any he saw in Mexico, &c. &c.

On coming down to Pine street I found your favor of the 15th. I was in error in relation to the draft for $2,500. I had blended the letter to me and to B. the drafts are all as they should be. I observe you were to start on the 13th, and note the information you had received in regard to the trust deed, and hope it is correct. I shall be pleased to hear from you after you return.

P. 5.

Read, &c. Dec. 16, 1834.

NEW YORK, 18*th May*, 1833.

Capt WM. K. SMITH:

DEAR SIR: I wrote you this morning, to which refer. My dear friend, I know that you are doing all that any man could do, to get the mills, &c. in operation, and I may have calculated erroneously (as I now find I have) that you would get the mills, &c. in operation by the 20th of this month; and in that case I rather concluded that G. and C. might have the pleasure of bringing a few bars of the first fruits. We are all aware, as you say, that there are many last things to be done, and although we all are anxious to hear that you are operating, yet do not think for a moment that any of us wish to start until you are really ready.

Charles has sold five shares more of his stock to Colonel Totten, who has formed the highest opinion of the value of the ore and the property of the Company: had he more funds, he would have been glad to have taken more. Col. T. is a scientific mineralogist, and is capable of testing the ore accurately. I am glad to have such a man interested in any way in the concern.

I am happy to advise you that I have also made a sale of twenty-five shares, at $200, $1,000 cash, $4,000 at six months, and interest and assessments; and keep the stock as security until the note is paid. The purchaser is, however, abundantly able to pay, and I think there will be an opportunity of my making some other sales on about as good terms next week—this for your own government, and I do think it will be higher before it is less.

Yours, sincerely,

N. RICHARDS.

P. S. I entreat of you not to offer to any one any part of the G——d mine. Wait at least until I get a good title to that property, and then you may name to me what you will take for your whole interest, or for the half, or three-fourths; and I assure you it will not be long before I will find a purchaser, if at the price last quoted by you.

Q. 5.

NEW YORK, 28*th May*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: Since I last wrote you, I have sold twenty shares Virginia Mining Company stock to Wilmarth, Moffat, and Curtis, at $200, at twelve months credit, adding interest, and keeping the stock as a collateral for the payment of the note, and the profit over and above $200 in the value of the shares at the maturity of the note, to be divided between us. I also share one-half the loss, if any—25 shares to another person, at $200 cash, and to another 25 shares, also at $200 cash. None of the other stockholders are disposed to sell as low, except Mr. Wilder, as a favor, sold 20 shares to W. M. & Co. the same terms as myself, and 50 shares to two friends, to oblige them, at $200 cash.

On Saturday afternoon, we got from Moffat the results of three experiments he had made, with three different pieces of the brown ore, on one of which only a peck of gold was visible. Neither of them was selected as being from its outward appearance particularly rich. Here is the result:

lbs. pure											
1 10-32	1	prod'd	from	216	gr.	ab't	18	carets	refined,	178	dwts pr 100lbs
10 5-32	2	"	"	400	"	"	20	5-6	"	744	" "
1 25-32	3	"	"	160	"	"	20	1-10	"	341	" "

No 1 is equal to 1 part in 170 of pure gold,
" 2 " 1 " 40 "
" 3 " 1 " 90 "

The above is a copy of their return made to me under their signature; and that Moffat might be sure of the accuracy of his assay, he made two assays of one of the parcels, and the result was precisely the same, so that he says there is no possibility of any error in their statement. The results are truly astonishing; and it is now difficult to say what is the value of the stock. If any considerable part of the ore is any thing like as rich as the average of the fifteen assays that have been made, it is almost beyond price; and was I bound to make a declaration, I should think at least one-third of all the ore raised is, as far as I am capable of judging from outward appearances, as good as the different pieces that have been assayed.

The 10 first assays averaged - - -	48	dwts.	11	grs. per 100 lbs.
Add the 11th and 12th, and the average is	1572	8 "		"
" 13th, 14th and 15th, as on the other side.	1993	8 "		"

None of the directors are aware of the last three assays, except Mr. Wilder and Mr. Taylor. W. M. and C. are so well satisfied of

the value of the stock, that they would not now take $500 a share for theirs. What will be the price of stock to-day, when it may be known among the Board, is difficult to say. Brother George sold yesterday 5 shares as a favor, at $225; and I had been told that $250 was refused, and by those who know nothing of the last three assays.

I have given a letter of introduction to you to Mr. Dwight, a young gentleman from Springfield, who has recently become a stockholder of 25 shares, purchased of me at $200. He was (rather unfortunately, I think) invited by Wilder to go with us to Moffat, to ascertain the result of the assays made on Saturday, and therefore knows the result, as do two others, also invited by Wilder to go with us. the result, therefore, will soon be public, although they were all requested not to say any thing on the subject. Dwight is a young man of property, and his family connexions are quite wealthy. He told me he was on the way for Washington, and said he would like to go on and see the mine, and requested a letter to you. You will please give him an opportunity of seeing the mine to as much advantage as you can conveniently, that he may leave there with a full impression of the magnitude and value of the property, without saying any thing of all the other. I do not ask you to go with him to see Gordon and White Hall mines, as I know you have too much to attend to at home. I have requested Mr. D. to be cautious not to say any thing in Virginia in relation to the recent assays.

Mr. Moffat called upon me yesterday, to say that he had been requested to go to Virginia, to examine the ore at the mine of the Messrs. Smiths in Stafford, and that he should leave here to-morrow morning, and requested me to give him a letter to you, as he should like to visit the Orange Mine before he returns, and examine every part minutely, which I shall be glad to have him do; and I have prepared a letter for him. Give him an opportunity of seeing thoroughly, and I hope he will return as favorably impressed as he goes on, as to the value of that property; and I shall be glad to have you or Hitz go with him to Gordon mine, and let him see the rich surface rock, &c. there, with all the favorable localities of that place. I have also cautioned him about saying any thing in relation to the assays, and of the price of the stock in this place. I know it will be difficult to keep it secret, but let us do what we can to keep our own secrets; and allow me again to remind you of the necessity of keeping the actual result of the mills from being known. If the results should be as favorable as I feel confident they will be, I think it important for the interest and convenience of the Company to purchase if possible the lease and fee of the Major's plantation, including of course his moiety of the five-acre tract. Have this subject constantly on your mind, and if possible get Wilford & Co. to name the price they will take for their leases, and then ascertain what is their real character; also obtain, if possible, what the Major will sell out the whole for. I am not without my fears, that when you get your stampers and mills in full operation, that you may be cramped for room to get rid of your washings, &c.

Mr. Taylor and Wilder, I find, have now great itching to go on to the mine, and I should not be surprised if they should go on some time in the early part of the ensuing month, and very possibly some of the others may also go on. You can talk freely with Moffat on the subject of smelting, erecting a suitable furnace, &c. you may perhaps obtain some useful information from him. I am quite satisfied you will have to smelt some part of the rich ores, which will not pass through the mills. We have had no news from my brothers and party since they left. It has been raining here almost constantly since they started, and I hardly expect they have yet reached you; and if they have, they must have had most shocking roads to encounter, and will have but little enjoyment of their visit. If they are with you, tell them that my daughter Steele is confined, has a daughter four days old, and both are doing well. My family and all our friends are well.

Mrs. Wilder, with all the children, &c. left yesterday for Baltimore: it commenced raining after they left, and has continued ever since.

Yours, very sincerely,

NATHANIEL RICHARDS.

R. 5.

Read, &c. Dec. 17, 1834.

NEW YORK, *May* 31, 1833.

Capt. WM. K. SMITH;

I wrote you a few lines this day, just in time for the mail, advising of the receipt of yours of the 27th, and acceding to your proposal for the sale of the 1-6th, or the half of your interest in the Goochland purchases; you can make up the account accordingly, as you know all that has been paid, and after deducting one-third of the cost, you may draw on me for the balance of the purchase, at two, six, and nine months, as named by you. I hope, my dear sir, you will retain the remainder of your interest until after the mine is developed, as I am very sure it will be much more for your interest to do so. I observe that you say you will retain a good interest in the mine, until it is developed in full. Now, my good sir, whenever you make up your mind you will sell any of the remaining part of your interest, I ask, as a favor, that you will let me know how much you wish to sell, and what will be your price, that I may have the opportunity of taking it, or placing it in the hands of such as may be agreeable to me, and not embarrass me in my plans. Had we an act of incorporation, and our respective interests in stock, it would not be so material; but even then the character of the stockholders may have great influence in the value of the stock; the organization of the Virginia Mining Company has had great influence in giving value to that stock. I do hope, most sincerely, that you will retain the whole of your remaining interest. I feel very unwilling that you should part with any more. I am particularly desirous that your interest should be united

to mine; our united exertions, thus far, have been very highly prospered, and as long as I can have you associated with me, I feel as though all would go on prosperously. I note your observations about the $500, I authorized you to draw for, for completing the purchase of the G——d mine. I can only repeat what I said before, that I shall honor your draft, for this amount, at sight, with very sincere pleasure, considering that is really obtaining satisfactory deeds from a set of rascals, for a sum very small for what, you say, it would have cost me, had I been under the necessity of going to law to obtain my just rights, besides being relieved from an immense load of vexation.

I note your anxiety, that I should realize the sale of some two or three hundred shares more of my stock. I beg you, my dear friend, not to be uneasy about the price of the stock; there is no fear of its falling, with such facts as we have now before us, of the quantity of ore at our command, and its extraordinary richness. The present price is nothing near its value. I believe I made a mistake in stating the average of the 15 assays, a rising of 1,900 dwts. the real average is 1,342 dwts. 3 grs. Now, my dear sir, with such facts before us, I think no one can say I am unreasonable in calculating upon 2 1-2 dwts. bushel; and if it will give that upon 300 bushels a day only, the shares will readily command $400 or $500 each.

I note that C. and G. are with you, and that they have ascertained that we have a mine in Goochland. I care but little or nothing about it; there are reasons, however, why I do not wish them to have any interest in it.

The 25 shares of stock, at $125, is - -	$3,125
And two assessments of $1 each	50
	$3,175

Payable on the 15th of October, as before agreed upon.

I note the information you have from Trego, in relation to the deeds, &c. and also what you say on the subject of funds for him, to meet the expenses of operations at Goochland. I will write to him immediately, to advise me what mode he can most conveniently adopt, either by his drawing on me here, on F. and J. James, at Richmond, or for them or me to remit to him, or to Hodgson and Paunill, Columbia. They told me that they should be pleased to furnish any supplies that might be required for the mine, and take the agent's draft on me at the end of the year. I, of course, could not expect them to furnish cash, without it would be a convenience to them to do so, and have a draft on this city or on Richmond. I wish him to adopt any mode that may be most convenient to himself, until I know what may be the preferable mode. I shall request him to draw at sight on Messrs. F. and J. S. James, Richmond; or he may

request them to remit him 2, 3, 4, or $500, as he may find most convenient.

Yours, very sincerely,
NATHANIEL RICAHRDS.

P. S. Perhaps you had better make up the statement first of the Goochland mine, and forward me before you draw, so that I may examine, and see that it is correct, before the drafts are made.

S. 5.

Read, &c. Dec. 17, 1834.

NEW YORK, *4th June*, 1833.

Captain WM. K. SMITH:

DEAR SIR: In one of my recent letters, I promised you that in the event of either the sale of the Virginia Mining Company stock, at $300 a share, or the favorable developement of the G——d mine, I would see that the means should be provided for building a church, to be located in the vicinity of the Orange mine, for a Presbyterian society. I have now, my dear sir, the pleasure to say to you, that I have actually sold 19 shares at $300 each, and can sell as many more at the same price, as I am disposed to; there begins now to be a real rage for the stock; and if the mills should produce, what I confidently believe they will, at the rate of 2 1-2 dwts. per bushel, (and I am free to confess I do not see why it may not be double,) the shares will be in demand at $500 each; and really I shall not be surprised if they should go to $1,000 each. If the produce is 4 or 5 dwts. per bushel, they certainly will.

I now, my dear sir, authorize you to locate the place for the church, and would suggest that it be on the Major's premises, on the hill opposite from the mills. Make the Major give 10, 15, or 20 acres of land there, for the purpose of a church, and a yard for a burying place, sheds for horses, &c. and for a building for a parsonage, with sufficient grounds for garden, pasturage for a cow or two, and a little land for tillage of corn, &c. 10, 15, or 20 acres will be an abundance. If the Major will not give the land in fee, purchase it of him, on as good terms as you can, taking care to have the conveyance made full and free from all incumbrances. I trust that the Welford Company will readily release any claim they may have under their leases, to such a location as you may make for such an object. Let the conveyance be made to you in trust, to be conveyed by you to the Presbyterian society, as soon as it is formed at that place, to be used and considered forever as a Presbyterian place of worship, and the grounds and premises thereon to belong to that society. You may also make a plan of such a building, &c. as you may think suitable for such a location, and an estimate of the cost of the same. I would suggest, that the church be so constructed, as to be respecta-

ble in its appearance, inside and outwardly, and to be comfortable both in summer and winter; and would recommend that it be so constructed, that you can place a stove or stoves in it, so as to make it comfortable in winter, for worship there, or for holding Sunday schools, and at the same time be safe from fire.

If the Major gives or sells this location for the church, &c. he must also, at the same time, give his written consent to a road being laid open, so that worshippers can pass freely to and from the church. I am not sure that there is not a good location on the Tinder plantation —if so, there will be no difficulty of a conveyance from the company. I think it very desirable that the place for the church and Sunday school, should be such as to prevent any person from passing through the mining premises; they are now too open and exposed, and too much a place for loungers and others, particularly on the Sabbath. I shall rejoice, when you can be so situated, as to have it closed entirely from strangers, particularly on Sundays.

Mr. Con. called upon me yesterday, and promised faithfully that he would start this morning, in the steamboat, for the mine. He can get on to Baltimore cheap; from there he said he would walk, and get on as cheap as he could, and would reach the mine next week. I assured him that you would give him employment, and would allow him such wages as his services required. He said he was anxious to get back to the mine. He looks in good health. I advanced him $5, to enable him to get on, which Mr. B. will charge you as agent, and you will charge it to Con.

There are two miners engaged to go on, at $20 for 12 months, and will proceed, as soon as there is an opportunity, by water. As yet, I have not engaged any laborers, but hope to by the time they can go on.

Yours, very sincerely,
NATHANIEL RICHARDS.

T. 5.

Read, &c. December 17, 1834.

NEW YORK, *6th June*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: I received yesterday your favor of the 30th ultimo, and am pleased to learn that G. and C. &c. have left you on their way home, and have been so much pleased with all they have seen, as I felt confident they would when they left here. They have been unfortunate in the weather, and of course disappointed in not seeing the stamps and mills in operation; they have, however, seen the whole arrangement of them, and I trust in a few days, we shall all have the pleasure of hearing from you, that they are in operation, and I doubt not most satisfactorily.

Wilder had a letter from Guy, dated the 3d, at Alexandria, in which he expresses himself as having been much pleased with you, and all he saw, and his conviction that all our "reasonable" expectations will be realized.

I observe that G. and C. have heard much about G——d, and that you had, on their inquiries of you, stated all the circumstances, and that they appeared to be quite satisfied; they had no reason to be otherwise, only perhaps to feel regret that they were not interested also.

I note with very sincere regret the state of your brother's health, and that he would soon be here on his way to the springs. I shall be pleased to see him, and render him any services in my power, and hope that the jaunt may be of great benefit to him. How are you to get along with all your writing and accounts during his absence? you must have some one to take his place.

I notice the statement of balance due on the purchase of G——d, and due on the Gordon lease: amount $2,086 13, which you had drawn for, which shall be honored.

I beg, I urge you, my dear friend, not to dispose of your stock in the Virginia Mining Company. You cannot make so good an investment any where, as to keep them even at $500 a share; and I now predict to you, that they will bring that price, very readily, in less than 60 days, and probably less than 30 days; and rather than you should deprive yourself, of the income from them, I will guarantee to you, if you will keep them on your own account, that you shall realize from them, an interest of 7 per cent. on $500 a share. Please say in your next if any new miners have offered, and if you will not be in want of miners for Gordon and G——d mine, and more good laborers. Please also say, what buildings you have directed Trego to erect there, and what information you may have from him.

Please present my respects to Mrs. Smith, and believe me,

Yours, sincerely,

NATHANIEL RICHARDS.

P. S. You have not mentioned in any of your letters whether you had passed through the vein at the lower levels from the letcher and king shafts, and what was the width of the vein, and quality of the ore. Please inform me, and also how deep you have gone down with the Stewart shaft, and how far below the surface is the cross-cut from the S. shaft; also what progress, if any, has been made upon the Tinder shaft.

Please also, give me some particulars in regard to the progress of operations at Gordon's, and the prospects there.

The answer to the above inquiries had better, perhaps, be made to the secretary of the Virginia mining company.

Yours, truly, N. R.

My friend Wilder and Upson will leave here on Tuesday next for the mine, to see what is doing there. Wilder has built churches, and

has good taste. You may also consult him, if you please, in regard to the location, and the organization of a church.

U. 5.

Read, &c. Dec. 17, 1834.

NEW YORK, 8*th June*, 1833.

Captain WM. K. SMITH,

MY DEAR SIR: I wrote you by this morning's mail, to which refer. The Goochland property stands on my books thus:

Amount original cost of shares - -	$9,126 75		
" Sundry expenses - - -	59 00	9,185 75	
" paid acceptance to Hitz and Wyatt - -		2,500 00	
" " Moss for purchase in fee of the mine tract and 100 acres adjoining, nett, less discount -	$2,254 28		
" " Sundry expenses - -	15 72		
" presented Mrs. Moss - -	10 00	2,280 00	
" advanced to the agent Mr. Trego, and to the credit of W. K. Smith - -		220 00	
" Discount on draft, to credit of do.	21 34		
" Sundry articles from store - -	27 89	49 23	
			$14,234 98

Amount due Wm. K. Smith, for the purchase of one-half his interest in the two purchases made of Moss and others - -	$15,000 00	
Deduct 1-3d, the amount paid on account of the Goochland property, as above - - - - -	4,744 99	
Balance - -	$10,255 01	
Payable, 1-3d in 60 days - -	$3,415 01	
" 1-3d in 6 months -	3,415 00	
" 1-3d in 9 " - -	3,415 00	
	$10,245 01	

This statement varies a little from yours, but I believe it is correct; if not, I will make it so. Your drafts, as above, will meet due honor. I note, my dear sir, your remarks in regard to the large amount of property that is apparently coming into our hands. I have long

felt that a kind Providence was apparently directing us in all our exertions, and causing them to be most remarkably blest. If we should realize from the property what we now have reason to expect, it will be immense; and though a great responsibility upon us, I hope, my dear sir, most sincerely, that we may be induced to make a good use of it, and always remember to whom we are indebted for such extraordinary blessings.

G. & C. have not yet returned. Rockwell is now here; he has sold 50 shares at $300, and to-day 25 at $350, and has an offer, I am told, of his remaining 25 shares at the same, which he asks $400. I have sold a few more at $300, and I may probably sell 50 or 100 on Monday, at $350, as that is now apparently the price.

Yours, very sincerely,

NATHANIEL RICHARDS.

V. 5.

Read, &c. Dec. 17, 1834.

NEW YORK, *8th June*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: I am just in receipt of your favor of the 3d, mailed however on the 6th, and note your remarks in regard to the opinion expressed by Moffat & Co. of the Orange mine, and hope and believe we shall realize all his expectations from the property. I note, my dear sir, that you think that we ought to have let them had the shares at par, or at 25 per cent. A short time before I went on to Virginia last, I was at their premises, and then urged them to take some of the stock, telling them I was desirous for them to have some of it, and that I would let them have it on much better terms than I would sell to any one else; they, however, declined, saying they wanted all their means in their business, it was a good mine to them, and they ought not divert their attention from it. I paid them always for the assays made what they asked, and they were always pleased. Very recently, since the result of the great assay, they have been disposed to purchase, and W. and myself let them have some shares at a price that none of the others would, and gave them all the credit they asked, and they acknowledged that they esteemed it a favor to have the shares at what we offered it, and under all the circumstances there has been no want of liberality towards them.

I note how you are situated with Guy and C. and Moffat, in regard to the remaining interest you have in the G——d mine, and the offer you make me of taking it for $45,000, you retaining an interest of $5,000. It may, my dear friend, be worth that, and vastly more, but until it is more developed, so as to know its magnitude and character, I think it would be madness in me to give it. I was sincerely in hopes that you would have consented to have retained your remaining interest until its real value was ascertained, when I shall not

be surprised if it were worth to you double the sum you now ask. I must decline the purchase on the terms you name, and only allow me to urge you to hold on to it, and allow me to add that I wish you to bear in mind that my advice to you heretofore, as to the sale of your mining interest, has always been judicious, and had you have listened to me, you would have promoted your interest very materially. I again repeat, hold on, but if you sell, sell but a small part, and at a large price; whatever you may sell, I hope, on the whole, it may be to those who are residents here. G. C. Moffat, Mr. Howard, and Wilder, the latter is worth all the rest of the Virginia Mining Company, to give character and value to the stock. As yet there is no one here that knows any thing from me in regard to G——d, and, as explained before, I deem it true policy to keep it entirely snug for the present.

I have not examined your statement in regard to G——d purchase; I will do so when at home, and write you again, as soon as I receive the deeds, or learn from Mr. Miller (the clerk of G——d) that the papers are all regular; you can draw for the amount.

I note your remarks, my dear sir, in regard to the price of the 25 shares Virginia Mining Company. I am sincerely sorry that there should be any misunderstanding in rigard to the price of them; the price named is really, sincerely, what I understood, from your own letters, you preferred taking them at, as an actual purchase; the difference in the price, my dear sir, is with me to you of no consequence. I have always stated it as an actual sale at 125, and I must so enter it on my books, but I shall, with great pleasure, pass to your credit a sum making the difference between $90 and $125 per share.

I have no time for more by this mail.

Yours, sincerely,

NATHANIEL RICHARDS.

W. 5.

Read, &c. Dec. 17, 1834.

NEW YORK, 12*th June*, 1833.

Capt. WM. K. SMITH:

DEAR SIR: Allow me to inquire if it is not important, for the convenience, and for the interest, of the mining concern at Goochland, that there should be erected a saw mill on our premises, the dam to be erected on the creek or branch that runs between us and Mr. Davis, and if so, is not the best location for the dam near where the two streams meet, and where there is an abundant supply of good stone. If you agree with me in the opinion of the importance of having the dam so located, and the erection of the mill, will you give your ideas to Mr. Trego as to what manner the dam should be constructed, so as to have it tight and secure against any freshets, and how high the dam should be erected, so as to secure an abundant supply of water

for the saw mill, or for mining operations, if required. I shall write to Mr. Trego to-day, to ascertain from Mr. Davis if he will consent to my erecting a dam, and what compensation he will require; for if a dam and mill is erected, we must pay for the privilege, so that it may be a permanent right.

If it is advisable to have the saw mill erected, ask J. C. Gordon, or others, as to the true policy of erecting a dam, &c. by contract, or by day's work; and, in either case, who will be the best hand to undertake it, so that it may be well done, and with economy.

Mr. Moffat returned last evening, and is well pleased with his jaunt to the south; his report of the Orange mine; the quantity and quality of the ore raised, &c. does not lessen the opinion I had formed of the value of that property, and it will not lessen the price of the stock which was $400 yesterday. Mr. Wilder sold 10 shares at that rate for cash.

Yours, &c.

NATHANIEL RICHARDS.

P. S. On coming down to the office this morning, I had the pleasure of seeing your brother Benjamin, but I am sorry to say that he looks feeble; I hope his jaunt may be of service to him.

I have sold 5 shares Virginia Ming stock, at $450 to-day, it will be $500 at least to morrow. I again repeat to you, my dear sir, do not sell any more of your stock at G———d, or any of your Virginia Mining Company stock, as I do believe it will go much above $500; I dare not say how much.

Yours, sincerely,

NATHANIEL RICHARDS.

X. 5.

Read, &c. December 17, 1834.

NEW YORK, *24th June*, 1833.

Captain WM. K. SMITH:

MY DEAR SIR: I received on Saturday your two favors of the 17th and 18th, and note that I was correct in my opinion as to the White Quartz that Moffat assayed, that it was from Moss Quartz Vein; I also note that part of it had been sold, and that it is now probably surrounded with difficulties as to title; have nothing to do with that, or any other property that the most unquestionable title cannot be obtained of it.

The property you mention adjoining Scott's, I do not know without it is Mr. Rowe's, which he urged me to purchase of him when I was last at the mine, for $2,000, and which I recollect hearing you speak rather favorably of; whether it is Rowe's or another place, I am willing to submit it to your judgment, and will unite with you and make the purchase, taking one-half or two-thirds, as you please, and as you

observe, let the place lay until some future period, when mines will be in higher estimation generally, than they are now, which they most assuredly will be.

I note "that you have made a clearing in a beautiful situation in the Tinder woods for a church." Now, my dear sir, as yet I have not named to the directors the subject of the building of a church, I feel entirely confident, however, that they will make no objection, but will generally unite with me in that object, when it is brought forward. I wish, however, before I name the subject, that you will inform me as nearly as you can, where you have selected the spot for the church, &c. and how many acres you have concluded will be requsite for the whole establishment, and as near as may, be what will be the whole expense. You will be of course particular to locate the church, &c. so that it cannot at any time interfere with any future mining operations of the company or any others on those premises. The Virginia Mining Company, would of course in giving title by deed or perpetual lease, reserve any mines, minerals, &c. that may at any time be discovered on the premises they may grant for the church, &c.

I also note that you are sinking a shaft on the Tinder property, 350 feet from the Stewart shaft, and the measurements you have made, which you estimate a continuance of vein to the branch of 4,000 feet; your views of operations meet my views entirely, but before you attempt any new extensive operations, I would suggest that you lay out your plan, and submit it to the directors for their approval, before the operations are commenced; this part of your letter I read to the board at an extra meeting on Saturday; your ideas of new operations there, I thought was satisfactory, but it being unofficial there was not much said about it.

I note that you had been to Gordon's with Mr. Dwight, and that he was much pleased, but you make no mention how you were pleased at the operations and prospects there.

I observe that Dwight is anxious to take an interest of 8 or 10,000 in G——d. If he should have an interest there, he would soon sell it out if he could make any thing on it. The 25 shares he purchased of me before he went on, he has placed in broker's hands, and 20 of them have been retailed out on Friday and Saturday at $475 and $480, when $500 was refused by the large stockholders, who have nothing to do with the brokers. Allow me to express a hope that you have concluded to retain your 1-6 in the G——d mine; for I am sanguine in the belief that by keeping it you will realize a much larger sum than $45,000. I note that Stringfellow was with you, and I presume I shall hear from you to day, as to his views in regard to his place and yours; and that we shall know how the stampers were operating.

Yours, sincerely,

NATHANIEL RICHARDS.

P. S. I beg there may be no delay in forwarding the deed of Tinder and wife, to Mr. T. and myself, as I am anxious to make proper

conveyance to the company, and then have the whole of the deeds and leases from us to the Virginia Mining Company recorded.

I am also still without the deeds from Moss, &c. of the G——d property.

I find on coming down to Wall or rather to Pine street this day, your two favors of the 19th and 21; also a letter from Trego with the deeds, &c. of the G——d property, with the bonds and deed of trust cancelled. I note the contents of your letters, and shall keep your views and interest in mind. I have not yet seen Charles or any of the parties to whom the G——d interest had been offered; time will not now permit me to say any thing in regard to Stringfellow's place only that I may probably decide to unite my interest in that also with yours.

N. R.

Y. 5.

Read and submitted, Dec. 20, 1834.

ORANGE MINE, *Aug. 2d*, 1833.

MASON H. BINGHAM, Esq.
C. S. Virginia Mining Company:

DEAR SIR: Your favors of the 27th and 30th ult. were duly received, and their contents noted. I was pleased to hear that the gold proved to be so high carrot.

We are now raising some very fine ore from the vein. I have not yet taken up the mills, but last Saturday evening we drew off several pounds of amalgam from the cocks under the first mills. I have examined one of the troughs, and found what was taken out to be quite rich in gold. We also found that most of the residuum contains gold, but the assays here do not show so much as those made in New York. I am, however, by no means satisfied with Mr. Hitz's assays, he has spent a great deal of time in assayings to little or no purpose, and I cannot interest him about the mills or stamps. His time expired yesterday, and under existing circumstances, I have not re-enged him; he has for some time past appeared to think that he could do something better for himself, and I do not think his services are worth retaining; we require a hard working industrious man to attend entirely to the stamps and mills. I am in hopes to persuade Mr. Willis (our head carpenter,) to take this station; he knows all about the machinery; is very industrious and capable; the distilling and melting down he can very soon learn to do as well, or better than Mr. Hitz. I annex the result of Mr. Hitz's assay on the residuum. I intend putting up the little French mill we used at Greenwich to try some experiments.

John Lloyd, one of our miners, handed me $100, which amount he wishes deposited in the Savings Bank; it is to your credit.

I have this day drawn on you at 60 days from 9th instant, (next

discount day) for $1,000, which please honor, and charge to my account.

Respectfully,
Your obed't servant,
W. K. SMITH, *Agent Va. M. Co.*
Per B. H. SMITH, *Clerk.*

ASSAYS.

Residuum from first qualty ore, 200*lbs*. reduced to 100 by washing. Produced 12 grains fine gold.

Do. From first quality ore, and from first lump; reduced by washing:
from 1,000 to 100*lbs*. Produced 2 dwts. do

Mr. Hitz is of opinion that some amalgam must have been included in the assay.

Do From first quality ore, first lump, not reduced by washing 100*lbs*:
Produced 6 grains do

Do. From first quality ore, 2d lump, reduced by washing from 2000 to 100*lbs*. Produced 1 dwt. do

Do. From first quality ore, 2d lump 100*lbs*, not reduced by washing. Produced nothing.

Do. 1st quality do. 3d. lump 100*lbs*, - - - do

Do. 2d quality do. 3d do. from 3 trials of 100*lbs*. ea. do

100*lbs* Pyrites in cubes produced, - - 12 grains gold

100*lbs*. Pyrites granulated, produced, - - - no gold

Residuum from trough next to mills, 100*lbs* - 6 grains gold

Do. " do reduced from 300 to 100*lbs*. - 18 grains do

Do. " do next to mill 100*lbs* produced 6 grains do

Z. 5.

Read, &c. Dec. 20, 1834.

ORANGE MINE, *Aug. 8th*, 1833.

MASON H. BINGHAM, Esq.
Cor. Sec. Va. Mining Company:

DEAR SIR: Your favor of the 3d inst. enclosing bill of lading of bellows, &c. &c. was duly received, which articles I hope will soon arrive.

In answer to your enquiries relative to contents of stamping troughs, I would observe that about a week since, I took out a part of the contents of one which I found was rich; but as each trough contained eight or ten bushels, I returned what I had taken out (as it would be impossible to wash such a quantity by hand) and I think I have fallen upon a plan which I have not the least doubt will ena-

ble us to get our gold once a week or as often as we please. I have things neatly completed for the alteration, and hope to commence upon it next week, as I think all things will go on smoothly and with good profit. We expect to commence our calcining furnace during the coming week. There are some difficulties in the stamping machinery which I think I can surmount. I have to day Mr. Willis's answer, that he will take charge of the stamps, mills, &c. for $500 per annum, provided the company will build a little house for his accommodation, which can be done for, say, $300. I think his services will be much more valuable to the company, in this department, than the services of such men as Mr. J. Hitz, jr. Mr. Willis is, as I have before observed, a first rate practical, industrious, and faithful man; and one that can, in my opinion manage that department with skill, and better than any one I know of; I think, therefore, I shall conclude the contract with him, judging it for the benefit of all concerned. We have our whim house, over the Philip shaft, nearly completed, and shall raise considerable good ore from that part of the mine, in a day or two; are likewise raising some excellent ore from the wings near Letcher shaft.

Mr. J. Hitz, sen. has brought me a specimen from one of the veins struck at the Gordon mine, in sinking one of the old shafts, and I have made a trial on the same, and find it very rich.

As soon as we get all regulated, I shall be able to make my reports weekly.

Please ask Mr. Taylor if he has purchased the 10lb. note, as requested, for Thomas Symonds.

The establishment continues quite healthy: have but one man on the sick list, and he is recovering.

Waiting the pleasure of further communications,

I remain, in haste,

Yours, respectfully,

WILLIAM K. SMITH,
Agent Va. M. Co.

per B. H. Smith,
Clerk.

A. 6.

Read, &c. by plaintiff's counsel, Dec. 23, 1834.

Orange Mine, *July 12th*, 1833.

Nathaniel Richards, Esq.

Dear Sir: Your favor of the 8th was duly received, and its contents noted. Notice what you say relative to conversation with Dey. He asked what the establishment cost: I, without much reflection, told him that I thought from 30 to 40,000; or rather, I thought the

instalments amounted to 6 or 8 per share. He asked me about the ore: I told him, as I do all, I thought it would give 1 1-2 to 2 dwts. per bushel; but the word "only," he added himself. I do not think Doon or Dey can injure the stock; for if it is worth $500, people will give it; and if it is not worth the half, or one quarter, the present or original stockholders will find it a more profitable business than they have been engaged in for some time. I wrote you yesterday, that I obtained the deed of Mr. Rowe's place. Mr. Williams was here this morning; he found several places, he thinks promising, on the place, and some specimens showing the gold from Rowe's; he, I think, would like to give us a good price for it, for his New York friend Doon. The Johnston place proves as I thought it would, good for but little, and he will not purchase it. My purchase of Rowe's and Stringfellow's places make a great noise.

I am much pleased to learn that your son Upson is to be married shortly; wish them much happiness in this life, "and a final inheritance with saints in light."

It is with much pleasure that I inform you, that we have all our stamps and mills in full operation, and Mr. T. I think, will be able to take a few bars of gold. I will do my best. He will go to W. H. to-morrow, and will leave here some time in the coming week. As you expect to leave town shortly, I shall to-morrow draw on you to-day for the following amount: $5000, at 60 days from 12th instant; $5,075, at 9 months, 1st instant; and for $2,000, 60 days from 1st instant; and for $1,000, 4 months from the 1st instant: making in the whole $13,075, which you will please honor. All the above drafts are all in favor of W. J. Roberts, cashier, &c. As I have the notes, and you have been so kind to arrange them all, I have no desire to alter them: the bank will not discount my note, but what is made payable at their bank; but will discount acceptances, &c. Notice that you will transfer me 10 shares in Virginia mining company. I am now quite a stockholder; should like, and have written to Charles to sell my 25 shares, and I should like to sell the whole at $480; and from what I can see now, I think they must rise, or at any rate I should not be surprised if they should go to 750, as you think they may; but I am well pursuaded that I ought not to own any of the stock. I would not wish to throw my stock into market to the injury of others; but while others are desirous of selling, I of course could stand but a poor chance. To oblige a friend, I would let my 35, or say 30 of them, at $480; 2, 4, and 6 months, slip; but no less, although I told C. to sell for the most he could.

Yours, truly,

W. K. SMITH.

B. 6.

Read, &c. by plaintiff's counsel, Dec. 23d, 1834

ORANGE MINE, *July* 18*th*, 1833.

NATHANIEL RICHARDS, Esq.

DEAR SIR: Your favor per Moffat was received last evening, and I must say, not a little surprised me: the results of the ore I consider very good; they were taken by a person who knew nothing of the mine, and I prefer to see a fair result than so very large ones; and I must say, if the specimens sent on will give 1 dwt. I do not desire a better business; and I would not exchange the Liberty mine for any one I now know of. I am informed that they ask $180,000 for one-half of the Smith mine; and I would not give the Liberty for a dozen of such mines, if the assays was from S. was $40, and Stringfellow's only one. We are to look at locations and general formations, and not so much at the richness of the ore. From what Mr. Moffat heard at T. and on the route, his mind was made up to take the interest allotted him of 1-8th or more. He was fearful that I should not wish to give them credit; but I am quite willing so to do, as they pay me interest. On the receipt of your letter, if it had not been for Mr. Taylor I would not have had any thing to have done with the parties for the 3-8ths, for I could have sold them, and would have done so but for your letter, in which you say you have pledged or wish me to consider the remain interest sold, and then to leave it for Moffat to decide. I was, and am willing to abide by Mr. M.'s decision, but thought it looked rather queer. Moffat and W. left here this morning for Greenwood, Gordon's, and Liberty mine. Mr. T. leaves here in the morning for New York, to whom I refer you for information respecting the mines, gold, &c. Mr. Moffat will write from Liberty mine, and you will settle with all the parties for their respective shares, except Moffat, who I have agreed to, to suit their convenience respecting payment, after hearing from Curtis, who is, as they say, the man for that branch of their business. They pay me interest from a certain date.

Yours, in great haste,

W. K. SMITH.

C. 6.

Read, &c. by plaintiff's counsel, Dec. 23, 1834.

ORANGE MINE, *August 28th*, 1833.

NATHANIEL RICHARDS, Esq.

DEAR SIR: Your favor of the 22d was duly received, and its contents noted. Your brother Guy and Mr. Lewis arrived same days. Mr. Donnelson was here a few days since, visited the mine, and appeared much pleased with the same. Accept my thanks for your kindness in sending me the prints. Notice your remarks relative to Goochland mine, &c. I was, I must confess, a little displeased at some part of your letter; but the remarks I made in mine I never intended for you; but I concluded from the terms of your letter, that some of the purchasers felt as most people are apt to do in such cases. I am by no means sanguine as to the results of Goochland, for I must confess, I feel quite disappointed myself in the results thus far. I wrote Mr. Taylor a few days since, respecting a furnace for burning the Pyrites ore, but I fear he left for the springs before it reached him. I wish to get a draft of one of the furnaces in your city in which they burn lime, and draw for it at the same time, and about the quantity it contains, &c. &c.

I will write more particularly to-day or to-morrow.

In haste, yours truly,

W. K. SMITH.

D. 6.

Affidavit of G. U. Richards. Read, &c. Dec. 23, 1834.

GUY RICHARDS, and others,
vs.
WILLIAM K. SMITH.

City and county of New York, ss.

Gustavus Upson Richards, of the city of New York, being duly sworn, doth depose and say, that he visited what is called the Orange mine, in the State of Virginia, in the month of January, 1833, and staid at the house of Captain William K. Smith, the

while there; that before leaving New York for Virginia, this deponent had been informed by his father of the purchase of the Goochland mine, and said Smith in a conversation with the deponent told him at the time above mentioned, that it was the richest mine in this country, and could be worked at a very small expense. And this

deponent further saith, that he is confident that the said Smith also told him that the said Goochland mine was the richest mine but one in the world.

Deponent asked Mr. Smith how far the said mine had been developed, and from his answers and conversation deponent was led to believe that the said Smith had laid the said mine open one hundred feet in length. Deponent is unable to state as to the width of this opening, or the magnitude of the veins of ore. Said Smith also said that the Virginia mining company thought they were conferring a favor upon him, by continuing him as their agent; but he would like to leave their service, and develope the Goochland mine. He said, he "should be proud to do it;" but while making these declarations, he said he supposed he was "a fixture" there as long as the Virginia mining company wished his services. Said Smith also informed the deponent, that after making his developements of the mine at the time of the purchase, he found the ore so rich that he was obliged to fill the mine up to prevent depredations. Deponent was led to believe from this conversation, that there could be no mistake about the mine, and that if all the other mines in which his father, Nathaniel Richards, was interested should fail, the said Goochland mine would be more than sufficient to make up any such loss, and be a splendid fortune of itself.

And this deponent further saith, that said Smith also said at the time above specified, that he knew he was "giving away" the said Goochlond mine by disposing of it at the price for which he sold it to this deponent's father, and that it would be a great fortune to him; and it is the deponent's impression, that he asked the said Smith if he meant to sell any part of the interest in the said Goochland mine; and that said Smith replied, that he would if he could obtain a good price for it. It seemed to be the determination of said Smith to realize a certain sum from his different mining interests, rather than run the risk of amassing a great fortune from the developement of these mines. He frequently remarked, that he did not care to be very rich, as his mind had undergone an entire change in this respect.

With respect to the Orange mine, this deponent has little to say. Said Smith said he supposed there were nearly one hundred thousand bushels of ore raised at the time this deponent was there, in January 1833. Said Smith was very anxious to have this deponent's father sell a part of his stock, so that he might be covered in any event. He said he did not care about any of the others, but he wished to have this deponent's father "on velvet." This conversation made so strong an impression on this deponent's mind, that he wrote to his said father, desiring him to sell. Said Smith stated, that he believed a good business would be done, equal at least to the first trial.

And this deponent further saith, that he visited the Gordon mine with the said Smith and Mr. Hitz, in said January, 1833. We found many samples on the surface of the ground, which appeared very promising. Said Smith picked up one sample, which looked very well, and came, as he said, from the vein forty feet from the surface of the earth. This specimen this deponent brought home with

him to New York, and it was exhibited to the board of the Virginia Mining Company, when they determined to make the purchase of the Gordon mine. Said Smith said, that in his opinion this mine was of great value, and next in value to the Goochland mine—that it was more valuable than the Orange mine—and that it ought to belong to the Virginia Mining Company—for this reason, that it sometimes happened that there were dips in mines, and it might so happen in relation to the Orange mine; and if so, the stock would fall, and every one would be discouraged; but if they owned the Gordon mine, they would have "two strings to pull," and would be able to carry on their operations without any hindrance. These last may not be the precise words used by Smith, but they convey the idea imparted to this deponent by said Smith.

G. U. RICHARDS.

Sworn before me this 9th day of July, 1834.
MAXWELL, *Commissioner.*

E. 6.

Affidavit of F. H. Wolcott. Read, &c. Dec. 23d, 1834

GUY RICHARDS, and others,
vs.
WILLIAM K. SMITH.

CITY AND COUNTY OF NEW YORK, ss.

Frederick H. Wolcott, merchant, of the city and county of New York, being duly sworn, doth depose and say, that he had a conversation with Mr. William K. Smith, during deponent's visit to Orange mine in June 1833, of a miscellaneous character, but which more particularly regarded the Orange mine, and the ultimate prospects of the stockholders of the Virginia Mining Company.

Deponent arrived at the mine the morning of one day, and left the next: very little was said about the Goochland mine until late in the afternoon or evening, when Mr. Smith, in an apparently confidential manner, detailed to deponent the difficulties encountered by him in securing the property, and his ultimate success. At the time the conversation occurred, deponent did not feel it to be of consequence, and did not particularly charge his mind with it. But his general impressions are, that Mr. Smith stated that he esteemed the Goochland mine to be the richest vein of gold ore in the world, with the exception of one in South America—that all indications were favorable—but that small veins of this character sometimes, in fact usually, run out very quick; but he had examined it to a considerable extent, and he felt assured that it would prove extremely valuable.

F. H. WOLCOTT.

Sworn before me this 9th day of July, 1834.
MAXWELL, *Commissioner.*

GUY RICHARDS
vs.
WM. K. SMITH.

The deposition of Francis J. Wyatt, taken by commission, upon interrogations, issuing from the circuit court of the U. S. of America, for the southern district of New York, in the second circuit, at Fredericksburg, May, 24th, 1834.

Interrogatory 1st.

Answer. With Captain Smith I had an acquaintance, growing out of the transactions connected with the Goochland mine. I have known him slightly for some time previously to these transactions, but not intimately until about the fall of 1832. Since then I have seen him frequently, and been well acquainted with him. I never saw Mr. Guy Richards but once before this time; and that was at the Grasty mine, in Orange, last fall—say in November, 1833.

Interrogatory 2d.

Answer. In the month of October, 1832, I first heard of the existence of this Goochland mine; and, acting as agent for a company in Frederieksburg, I was induced to visit it; and finding it very promising, I suggested to the company the leasing or purchasing of it by some means. Not being able to induce the company to take it, I suggested to Mr. Hitz, who was then at work at the Orange mine, to give a description of it to Captain S. and to advise his examination of it. At the instance of Captain S. Mr. Hitz and myself then went to examine it, and we were so well pleased with the prospect, as to recommend his purchasing of it; and, afterwards, Captain Smith, Mr. Hitz, and myself, visited it together; and Captain S. ultimately purchased it, allowing Mr. H. and myself to purchase an interest in it, say 1-14th each. I think this transaction was in the month of December, 1832. The elder Mr. Hitz was also with us at the mine at the time the purchase was made.

Whilst I was at Colonel Bowles' writing the contract, the Messrs. Hitz were at the last pit that was dug, getting specimens of the ore from the vein. We each returned towards home that evening, and that is the last time that I was at the mine. My impression was that the mine was a very rich one.

I have seen rich specimens of slaty, decomposed substances, having gold in them, taken out of what I considered to be the vein. I seen pansful of it washed, and yielding a considerable quantity of gold. It was generally estimated and reputed throughout the country in which I lived to be very rich. I sold my interest in it to Captain Smith, in—I think—February, 1833, after which I do not recollect to have heard any thing new in relation to it. I would say, that the general character of the richness of the vein, given in the paper

marked A, is correct; but as to the particulars of size, &c. I am not sufficiently informed to say.

Interrogatory 3d.

Answer. First clause answered above. I made the sale of my interest to Captain S. more from want of Money, than from a wish to part with the property. The property of the mine was held by seven parties, previously to Captain Smith's purchase: the land was owned by William Moss alone. The owners of the mine were Col. Bowles, Hodson, George W. Fisher, senior, George Fisher, Junior, William Moss, and his two sons. Previous to Captain Smith's purchase, there had been several pits dug, in which what I considered to be the vein existed. The works I supposed were carried on by the above named owners, under the superintendence of George Fisher, senior. The pits were dug in an old field, near a branch, corresponding, I think with the place (marked thus, " " ") on the map marked B, called thereon "Points of operation." I cannot tell what the products of gold in those examinations were. I cannot tell any thing of the value of the gold. Mr. Hitz, who accompanied me, and who I judged to be a skilful miner, expressed a very favorable opinion in relation to the mine, which made me the more sanguine in my expectations. There were two offers made for the mine, one before and the other after Smith's purchase: the precise amount I do not recollect, but they were considerable. One of the offerers would, I understood, have given more than Smith did, but I do not know how much more.

Interrogatory 4th.

Answer. I have already stated in my previous answer all that I know of the matters in this interrogatory.

Interrogatory 5th.

Answer. I know nothing about the matters in the 5th interrogatory.

Interrogatory 6th.

Answer. I do not feel competent to answer any interrogatory under the 6th head. This is the first time I have seen the plat marked B.

Last Interrogatory.

Answer. I recollect nothing more that is material.

The following additional interrogatories were put by defendant, by agreement of the parties. *See Agreement, hereto annexed, marked A.*

Additional Interrogatory 1st.

How many times did you visit Goochland mine, and with whom?

Answer. I have been there four or five times: twice with Captain Bronaugh—two or three times with Mr. Hitz, and I think Captain Smith was with me twice. I think both of the Hitzes were with me when Captain S. accompanied me. Mr. Jenkins and Mr. Mansfield were also there with me.

Additional Interrogatory 2d.

Did you or did you not see ore washed, which was taken from the different pits before the purchase by Captain Smith, yourself, and others. If so, say whether or not it was rich in gold; and what was the opinion generally entertained at the time of the value of said mine?

Answer. I did see ore washed from several of the pits, which I considered to be very rich. It was generally considered very valuable, and as far as I could know, it was universally considered so. And there were many persons I understood very anxious to become interested in the mine, by purchase or otherwise.

Additional Interrogatory 3d.

Did or did not Captain Smith, Mr. Hitz and yourself, prior to the purchase of said mines, confer together, as to the propriety of sinking a new shaft or pit? if so, state whether or not a new shaft or pit was sunk, and whether or not any gold was found in the new pit?

Answer. We did—and there was a new pit sunk. That pit was a test, and the result of that pit was to decide the purchase. Captain S. agreed to pay the expense of sinking the pit. I understood that they commenced digging it the very evening that we left there. After going down 12 feet, it became so rich that they sent a messenger to my house to inform me of it. I notified Captain S. of it; and he, Mr. Hitz and myself, proceeded on to Goochland soon after. At that trip, the contract was made. I think that was the last time that I was there.

Additional Interrogatory 4th.

You have stated, that after sinking the shaft or pit 12 feet, the ore became so rich that a messenger was sent to your house to inform you of it; and that you notified Captain Smith of it; and that he, Mr. Hitz, and yourself, went to said mine soon after. Now state, whether or not, upon your and their getting there, you made an examination of the new pit; and if so, what was the result of your examination?

Answer. I think Messrs. Hitz made the examination, and found the vein as was represented. I did not go down into the pit myself: I felt satisfied with their examination and their opinion.

Additional Interrogatory 5th.

Were you present at the new pit, when the Messrs. Hitz made their examination to which you have adverted?

Answer. Yes, I was there at the time—at and about the pit.

Additional Interrogatory 6th.

You have stated, in your general answer to the 2d interrogatory, that you do not recollect to have heard any thing new in relation to said mine, after you sold your interest to Captain Smith. Will you state whether or not all the pits were filled up by the direction of Captain S.—and whether or not all operations were not suspended from that time?

Answer. I did hear that Captain S. had ordered the pits to be filled up, and operations to cease; but whether it was before or after my sale to him, I do not recollect.

Examination of F. J. Wyatt, on the part of the Complainant.

Cross Interrogatory 1st.

Answer. The statements in letter A (dated Jan. 21st, 1833,) in lines 3, 4, 5; 8 to 14 inclusive—22, 23, 25, 30, 32, 33, 34, 35, 52, 53, 54, are true and fair statements. Of the remainder, I am ignorant.

Cross Interrogatory 2d.

Answer. I was never there after December, 1832. I then believed there were very rich veins, but of their extent I am ignorant.

Cross Interrogatory 3d.

Answer. I do not know the technical meaning of vein among miners and geologists: what I understand by the term is, regular formations of substances having gold in them, running in bodies or threads through the earth.

Cross Intersogatory 4th.

Answer. I cannot answer.

Cross Interrogatory 5th.

Answer. I know that there are 4 or 5 pits sunk on the vein. The extreme ones are, I suppose, about 100 feet apart.

Cross Interrogatory 6th.

Answer. The substances got out of the pits, that I conceived to be in the vein, were rich. I know nothing about their richness, compared to other veins.

Cross Interrogatory 7th.

Answer. I am not acquainted with the quality of the gold: I know nothing of its having been assayed.

Cross Interrogatory 8th.

Answer. I should suppose the location would be favorable to mining. There are, I believe some rich deposites on the branch. By rich, I mean it would yield a handsome profit by the ordinary washing operation.

Cross Interrogatory 9th.

Answer. I have no personal knowledge of what would be its actual yield. I believe it would pay well by operating.

May 26th, 1834. The examination of F. J. Wyatt was continued.

Cross Interrogatory 10th.

Answer. I never was there after December 1832; but at the time I was there, I considered it very flattering. By flattering prospects, I mean that it would be profitable to work it.

Cross Interrogatory 11th.

Answer. I never was in the pits to make a particular examination for myself, but frequently saw others bring up pansful of the substances, that washed very flatteringly, which is as far as I can answer this interrogatory, as I suppose what I have heard is not positive testimony.

Cross Interrogatory 12th.

Answer. I have already stated that I never was at the Goochland mine after December, 1832, at which time I thought it very valuable. As to the actual value of the Goochland mine now, I, of course, have no personal means of judging.

Cross Interrogatory 13th.

Answer. The answer to cross interrogatory 12, applies to the first clause of this. I know nothing of the vein, subsequent to Decem-

ber, 1832, and therefore cannot speak as as to the expense of operating; but I thought at that time that it would pay well for operating—as I said before.

Cross Interrogatory 14th.

Answer. Of the substance of the whole interrogatory, I am ignorant.

Cross Interrogatory 15th.

Answer. I have seen ore raised from the pits, that would yield in that proportion, at least.

Cross Interrogatory 16th.

Answer. I cannot say any thing about its comparative value.

The examination was here suspended, and the case referred to arbitration.

Mr. Hall argued for ths complainant.
Mr. Hugh Maxwell, argued for the defendant.
Mr. D. B. Ogden, argued on the same side.
Mr. S. P. Staples, in reply.

December 21, 1836.

The argument in this cause having been this day concluded. Curia advisari vult.

April 22, 1837.

This cause having been argued by counsel for the respective parties upon the pleadings and proofs herein; and mature deliberation being thereupon had, it is ordered, adjudged, and decreed, and this court by virtue of the power and authority therein vested, doth order, adjudge, and decree, that the contract in relation to the purchase of the Goochland mine in the bill in this cause set forth, be rescinded, annulled, and given up to the complainant, Guy Richards, and that the defendant, William K. Smith, repay to the said complainant all moneys advanced by the said complainant to the said defendant upon the purchase of the said Goochland mine, and upon certain promissory notes in the said bill mentioned, made by the said complainant and delivered to the said defendant in part payment of the said Goochland mine, so far as the said notes have been paid and taken up by the said complainant.

And it is further ordered, adjudged and decreed, that the said complainant release, quit claim to the defendant all his right title and interest in and to the said Goochland mine, and every part and parcel thereof.

And it is further ordered adjudged and decreed, that the complainant recover from the defendant his costs to be taxed.

CIRCUIT COURT OF THE UNITED STATES OF AMERICA,
For the Southern District of New York, in the Second Circuit.

WILLIAM K. SMITH *ads.* GUY RICHARDS. } In equity.

To the honorable the Supreme Court of the United States :

The petition and appeal of Hugh Maxwell, Esquire, solicitor and of counsel for the above named William K. Smith appellant, respectfully showeth :

That on or about the 25th day of October, in the year one thousand eight hundred and thirty-three, the above named complainant, Guy Richards, filed his bill in the court of chancery of the State of New York, before the vice chancellor of the first circuit against the said William K. Smith, praying, amongst other things for the reasons set forth in said bill, that the contract in relation to the purchase of a certain gold mine in Goochland county, in the State of Virginia, be set aside and held null and void and given up by the said defendant to the said complainant, Guy Richards, and that certain promissory notes in the said bill mentioned, made by the said complainant and delivered to the said defendant in part payment of the said Goochland mine, might be restrained from negotiation and delivered up by the said defendant to the said complainant, and that all moneys advanced in consideration of said contract, and which might hereafter be paid in said notes should be repaid to the said complainant by the said defendant.

That on or about the 28th day of October following, the said appellant, having duly entered his appearance in said court presented his petition to the said court of chancery, praying for a removal of this cause, pursuant to the act of Congress into the circuit court of the United States of America, for the southern district of New York, in the second circuit on the equity side thereof, that the proper proceedings were had, and this cause duly removed on the twelth day of November following, into the said court, that on or about the seventeenth day of January, in the year one thousand eight hundred and thirty-four, the said appellant did file his answer in the said circuit court of the United States of America, for the southern district of New York, in the second circuit, denying all allegations of fraud in relation to said contract in said bill contained, and praying, among other things, to be dismissed therefrom with his costs and charges on that behalf, as by reference to the said bill and answer, will more fully and at large appear.

That on or about the 12th day of March following, a replication to the said answer was duly filed by said complainant, and the parties proceeded to take their proofs in said cause; that the same having been taken, the said cause on or about the 17th day of December, one thousand eight hundred and thirty-six, came on to be heard before the

honorable Smith Thompson and the honorable Samuel R. Betts, judges, of the said circuit court upon the pleadings and the proofs taken in said cause, and the depositions and testimony adduced by the respective parties, and the said judges having advised thereon on the twenty-second day of April, in the year one thousand eight hundred and thirty-seven, made a decree in the said cause, pro forma; whereby it was ordered adjudged and decreed among other things, that the contract in relation to the purchase of the Goochland mine in the bill of complainant in this cause set forth be rescinded, annulled, and given up to the complainant, Guy Richards, and that the defendant, William K. Smith, repay to the said complainant all moneys advanced by the said complainant to the said defendant, upon the purchase of the said Goochland mine, and upon certain promissory notes in the said bill mentioned, made by the said complainant, and delivered to the said defendant in part payment of the said Goochland mine, so far as the said notes have been paid and taken up by the said complainant, as by reference to the said decree will more fully appear.

And your petitioner has advised said appellant, and insists, that the said decree is erroneous in every part thereof.

And your petitioner, in behalf of said appellant, does appeal from the whole of the said decree to the next Supreme Court of the United States to be held in the City of Washington; and he prays that the said decree with the pleadings and proofs, documents, testimony, &c. and all the proceeding in the said cause may be sent to the said next Supreme Court of the United States, to be held as aforesaid, and that the said Supreme Court will proceed to hear the said cause anew, and that the said decree, and every part thereof, may be reversed and annulled and held for naught, or such other decree thereupon made as to the Supreme Court shall seem just; and that the said complainant be condemned to pay to this appellant his costs and damages on the premises, and otherwise, as to the court shall seem meet.

And your petitioner further says, that the said appellant, William K. Smith, is now absent at Fredericksburg, in the State of Virginia, where the said appellant resides.

And your petitioner will ever pray, &c.

H. MAXWELL,
Solicitor of counsel.
For Wm. K. Smith.

Dated December 20th, 1837.